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CITY OF SALEM

CHARTER

AND

REVISED ORDINANCES

OF

1922

WITH AMENDMENTS TO JUNE 1, 1929, AND WITH THE RULES AND ORDERS OF THE CITY COUNCIL, A TABLE OF THE SPECIAL STATUTES OF THE COMMONWEALTH RELATING TO THE CITY, AND A TABLE OF THE STATUTES WHICH HAVE BEEN ACCEPTED BY THE CITY

ALSO

HISTORICAL LIST OF MEMBERS OF THE CITY GOVERNMENT

COMPILED UNDER THE DIRECTION OF
JOHN J. CONNELLY,
CITY CLERK.

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DESCHAMPS BROTHERS,
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1929

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FOREWORD

Every city official, lawyer or citizen who has occasion to search the ordinances knows full well the difficulty of determining the law on a given subject.

Many ordinances, which have grown obsolete or have been amended or repealed by subsequent enactments, remain on the records to complicate law enforcement.

Regardless of its size every city should have its ordinances in code form and in one volume.

Mr. E. D. Greenman, of the New York State Bureau of Municipal Research, says: "The code should be an up-to-date, logical and orderly restatement, in a single volume, of all the general ordinance law that is worth preserving. This should be accompanied by the specific repeal of every ordinance that can be repealed, that is obsolete or useless. The slate, having been cleaned, should be kept clean. Every proposal of a new ordinance provision should be considered in relation to the proper place of such a provision in the code. It should either become a new section or amend an existing one. Constant vigilance should be exercised to prevent inconsistencies, and at frequent intervals the code should be overhauled with a view to eliminating what is out of date."

In preparing the present volume special research has been made in regard to Acts of Legislature passed since 1922 that relate to our City, and all ordinances, repealed or amended, have been properly arranged, or eliminated. Also all new ordinances, ordained since 1922 up to June 1, 1929, have been included.

Through the co-operation of the Planning Board, we have been able to include a new Zoning Map, in colors, for which we are grateful, as it is a decided improvement over the old one. The ordinances relating to principal departments of our City have been also printed in booklet form, and a supply will be given to each department. This will avoid the giving out of the whole volume of ordinances, when only a specific ordinance is sought of some particular department.

This includes the following departments, viz.: Building, Board of Health, Fire, Traffic, Police, Plumbing and Electrical, and Zoning Ordinances with Map.

INDEXING

Nothing handicaps the search for information, in the printed volume, more than the lack of an adequate index. To many it may seem superfluous to emphasize the importance of an index and the care which should be taken in the preparation of such a valuable adjunct to a municipal code.

Too frequently a municipal work loses much of its reference value through the lack of an adequate guide to its contents.

The index itself should be an accurate guide to the subject content of all the regulations incorporated in the volume of ordinances. Subject headings must be distinctive, clear and concise. The aim of the indexer should be to select such headings as the average person would be likely to look for. This I have endeavored to do.

It is not sufficient to list the general subjects treated in the ordinances. Each ordinance must be carefully analyzed and reference made to important subjects therein included.

The previous index on the Ordinances of 1922 has many errors and misleading information. For instance, we found reference to Page 210, "Plans and Specifications to be furnished the Purchasing Agent," and the correct reference should be to Page 120, as 210 is part of Chapter XXXI., "Care of the Poor." This is but one of the many found as incorrect.

We have given this phase of the index special attention and believe our efforts will be appreciated, and I wish to acknowledge the painstaking and thorough interest given to this difficult part of the preparation of the work by my assistant, Miss E. Mabel Curtis, the Assistant City Clerk. Also I gratefully acknowledge all assistance and advice received from the Mayor and City Council, City Officers and also the City Solicitor, William A. Pew, in the preparation of the work.

Respectfully submitted,

JOHN J. CONNELLY,

Salem, Mass., June 1, 1929. City Clerk.

CONTENTS

CHAPTER		PAGE
I.	Ordinances of the City	23
II.	Assessors and Assistant Assessors	27
III.	Congress Street Bridge	31
IV.	Buildings, Machinery, and Other Heavy Articles, Moving of, Through the Streets	34
V.	Buildings	36
VI.	Burial of the Dead	83
VII.	City Clerk	88
VIII.	City Engineer	90
IX.	City Messenger	93
X.	City Officers, The Appointment and Duties of	95
XI.	City Physician	101
XII.	City Solicitor	104
XIII.	Claims and Accidents	106
XIV.	Compensation of Certain City Officers	109
XV.	Contracts and Labor	113
XVI.	Electric Wires	119
XVII.	Finance	130
XVIII.	Fire Department	141
XIX.	Hackney Carriages, Wagons and Other Vehicles	148
XX.	Hawkers and Pedlers	153
XXI.	Hay and Other Articles, Weighing of	155
XXII.	Health, Public	157
XXIII.	Junk Collectors	167
XXIV.	Junk, Old Metals and Second-Hand Articles, Dealers in	169
XXV.	Market and Market House	172
XXVI.	Parks and Play Grounds, Public	175

CHAPTER		PAGE
XXVII.	Pawnbrokers	177
XXVIII.	Police Department, The	180
XXIX.	Pool, Billiard and Bowling Alley Licenses	185
XXX.	Plumbing	187
XXXI.	Care of the Poor	196
XXXII.	Printing and Annual Reports	199
XXXIII.	Public Guides	200
XXXIV.	Public Property	201
XXXV.	Salem Planning Board	203
XXXVI.	City Seal	205
XXXVII.	Sewers and Drains	206
XXXVIII.	Shade Trees	213
XXXIX.	Sidewalks	215
XL.	State and Military Aid	218
XLI.	Streets, Laying Out and Alteration of	220
XLII.	Streets	225
XLIII.	Street Traffic	234
XLIV.	Superintendent of Streets	242
XLV.	Truant and Neglected Children	246
XLVI.	Trust Funds	247
XLVII.	Ward Boundaries	249
XLVIII.	Water Department	252
XLIX.	Weights and Measures, Sealer of	266
L.	City Council, Meetings of the	268
LI.	Mayor, Compensation of	269
LII.	Harbor Master	270
LIII.	Lumber, Measurers of	273
LIV.	Municipal Standard	274
LV.	Zoning	276
Rules and Orders of City Council		297
Special Statutes		305
Statutes Accepted by the City		317
Historical List of Members of the City Government		327

CITY CHARTER.

Certain terms defined

SECTION. 1. The following words as used in this chapter shall, unless the context otherwise requires, have the following meanings:

"Officer," "officers" and "administrative officers," when used without further qualification or description, any person or persons in charge of any department or division of the city. The said words when used in contrast with a board or members of a board, or with division heads, shall mean any of the persons in sole charge of a department of the city.

"Ordinance," a vote or order of the city council entitled "ordinance" and designed for the permanent regulation of any matter within the jurisdiction of the city council as laid down in this chapter.

"Plan A", a city government and legislative body composed of the mayor and a city council, the councillors being elected at large.

"Plan B", a city government and legislative body composed of a mayor and city council, the councillors being elected partly at large and partly from districts or wards of the city.

"Plan C", a city government and legislative body composed of a mayor and commissioners as hereinafter specified.

"Plan D", a city government and legislative body composed of a mayor and four councillors, and an administrative officer, called the city manager, whose powers and duties are defined in sections eighty-nine to ninety-two, inclusive.

"Registered voter", when used with reference to an initiative or referendum petition concerning a resolution, order or vote passed or to be passed by a school committee, shall include women voters qualified under the election laws to vote for school committee.

"Regular municipal election," the annual election of municipal officers for which provision is made in this chapter.

Certain cities may adopt one of the plans of government provided

SECTION 2. Any city, except Boston, which shall adopt, in the manner hereinafter prescribed, one of the plans of government provided in this chapter shall thereafter be governed by the provisions thereof; and the inhabitants of such city shall continue to be a municipal corporation under the name existing at the time of such adoption, and shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties, liabilities and obligations provided for in this chapter, or otherwise pertaining to or incumbent upon said city as a municipal corporation.

Legislative powers not abridged

SECTION 3. None of the legislative powers of a city shall be abridged or impaired by this chapter; but all such legislative powers shall be possessed and exercised by such body as shall be the legislative body of the city under this chapter.

Ordinances, etc., in effect until repealed, etc.

SECTION 4. Ordinances, resolutions, orders or other regulations of a city or of any authorized body or official thereof, existing at the time when such city adopts a plan of government set forth in this chapter, shall continue in full force and effect until repealed, modified or superseded.

Existing organization to continue until superceded

SECTION 5. Until superseded under this chapter, the organization of the executive and administrative departments, and the powers and duties of the officers and employees of any city adopting any of the plans provided for in this chapter, and the fiscal year of such city shall remain as constituted at the time of the adoption of such plan; but the city council or other legislative body may at any time by ordinance, consistent with general laws, reorganize, consolidate or abolish departments, in whole or in part; transfer the duties, powers and appropriations of one department to another, in whole or in part; establish new departments; and increase, reduce, establish or abolish salaries of heads of departments or members of boards. This section shall not authorize any section in conflict with chapter thirty-one.

Number of wards to continue until changed according to law

SECTION 6. The territory of a city adopting any of the plans of government provided for in this chapter shall continue to be divided into the same number of wards existing at the time of such adoption, which shall retain their boundaries until changed in accordance with general law.

Filing of petition calling for vote on adoption of plan

SECTION 7. A petition addressed to the city council, in the form and signed and certified as provided in the following section may be filed with the city clerk, who shall present the same to the city council. The petition shall be signed by qualified voters of the city to a number equal at least to ten per cent of the registered voters at the state election next preceding the filing of the petition.

Form of petition

SECTION 8. The petition shall be in substantially the following form:

To the city council (or other legislative body) of the city of

We, the undersigned, qualified voters of the city, respectfully petition your honorable body to cause to be submitted to a vote of the voters the following question: "Shall the city of adopt the form of government defined as Plan (A. B. C. or D, as it is desired by petitioners), and consisting of (describe plan briefly, as government by mayor and nine councillors elected at large, or government by a mayor and councillors elected partly at large and partly from wards or districts, or government by five commissioners, one of whom shall be the mayor, or government by a mayor and four councillors, with a city manager), according to chapter forty-three of the General Laws relating to city charters?"

Separate sheets may be used

The petition may be in the form of separate sheets, each sheet containing at the top thereof the heading above set forth, and when attached together and offered for filing

the several papers shall be deemed to constitute one petition, and there shall be endorsed thereon the name and address of the person presenting the same for filing.

Copy to be sent to city council Submission at state election

SECTION 9. Within thirty days after the petition has been filed with him, the city clerk shall, except as provided by the following section, transmit a certified copy thereof to the city council, except that the signatures upon the petition need not be copied but in place thereof the city clerk shall state the number of signatures of registered voters thereon, certified as such by the registrars of voters. If any question arises as to the validity or sufficiency of the petition or of the signatures thereon, any registered voter of the city may appeal to the state ballot law commission for a determination of said question, upon filing a notice of such appeal with the city council and with said commission within forty-five days after the filing of the petition. The decision of the commission shall be final, and it shall forthwith send notice thereof to the city council. Immediately upon the expiration of said period of forty-five days if no appeal has been taken as aforesaid and if it appears that said petition bears the required number of signatures of registered voters, certified as aforesaid, and is otherwise valid and sufficient, or forthwith after all proceedings relative to such petition have been decided in favor of the validity or sufficiency of such petition or signatures, as the case may be, said city council shall transmit said certified copy to the state secretary, but not otherwise. The question proposed by the petition shall be duly submitted upon the official ballot to a vote of the registered voters of said city at the next biennial state election if said certified copy is transmitted to the state secretary as hereinbefore provided at least thirty days before said election, otherwise it shall be so submitted at the biennial state election next following the aforesaid election.

One plan only may be considered at an election

SECTION 10. The question of the adoption of not more than one plan may be submitted at an election. If, pending the determination of the question proposed by petition already filed, another petition presenting the question of the adoption of a different plan shall be presented for filing with the city clerk, no action shall be taken upon the later petition, except to file it, until after the submission to a vote of the question proposed by the earlier petition. Should the result of such vote be adverse thereto, proceedings shall then be had upon the later petition as though it had been filed upon the day when such vote on the earlier petition was cast.

Majority vote required Election of officers

SECTION 11. If a majority of the total number of votes cast at a regular state election for and against the adoption of one of the plans of government provided for in this chapter shall be in favor of its adoption, this chapter, so far as applicable to the form of government under the plan adopted by the city, shall supersede the provisions of its charter and of the general and special laws relating thereto and inconsistent herewith, but not, however, until officers provided for under such plan shall have been duly elected and their terms of office shall have begun. The officiers provided for under the plan so adopted shall be elected in accordance with the provisions of this chapter relating to such a plan and in accordance with section fifteen, and their terms of office shall begin at ten o'clock in the forenoon of the first Monday of January following their election.

Vote on other plans

SECTION 12. Should a majority of the votes cast be against the adoption of the plan proposed, no petition proposing the same plan shall be filed within one year thereafter; but a petition proposing the adoption of one of the other plans provided for in this chapter may be filed at any time thereafter, and, subject to section ten, proceedings thereon shall be had as though no prior petition under this chapter had been filed.

Four year period for plan adopted

SECTION 13. Should any plan provided for in this chapter be adopted, it shall continue in force for at least four years from the beginning of the terms of office of the officials elected thereunder; and no petition proposing a different plan shall be filed until after three years and six months from such adoption.

Certain officials to carry out provisions, etc.

SECTION 14. The mayor, the aldermen and the common council, the city council or other legislative body, and the city clerk in office when any plan set forth in this chapter has been adopted, or is proposed for adoption, shall comply with all requirements of this chapter relating to such proposed adoption and to the election of the officers specified in said plan, in order that all things necessary for the nomination and election of the officers first to be elected under the provisions of this chapter and of the plan so adopted may be done.

Dates of elections

SECTION 15. The first city election next succeeding the adoption of any plan provided for by this chapter shall take place on the third Tuesday of December next succeeding such adoption, and thereafter the city election shall take place annually on the Tuesday next following the first Monday of December, and the municipal year shall begin and end at ten o'clock in the morning of the first Monday of January in each year.

No primaries or caucuses to be held

SECTION 16. No primary or caucus for municipal officers shall be held. Candidates for mayor, city council and school committee, and assessors, if elected by the people, shall be nominated in accordance with section six of chapter fifty-three.

Certain officials to be sworn, time, etc.

SECTION 17. On the first Monday in January at ten o'clock in the forenoon, the mayor-elect and the councillors-elect, and assessors-elect if elected by the people, shall meet

and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by a justice of the peace, and a certificate thereof shall be entered on the journal of the city council. At any meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councillor absent from the meeting on the first Monday in January.

Legislative powers, proceedings, city clerk, etc.

SECTION 18. Except as otherwise provided in this section, the legislative powers of the city council may be exercised as provided by ordinance or rule adopted by it.

Quorum, etc.

1. Every member of the council may vote on any question coming before it. A majority of the council shall constitute a quorum, and the affirmative vote of a majority of all the members of the council shall be necessary to adopt any motion, resolution or ordinance.

Proceedings, etc.

2. The city council shall, from time to time, establish rules for its proceedings. Regular and special meetings of the council shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter coming before the council for action shall be put to a vote, the result of which shall be duly recorded. A full and accurate journal of the proceedings of the council shall be kept, and shall be open to the inspection of any registered voter of the city.

City clerk, election, etc.

3. The council shall, by a majority vote, elect a city clerk to hold office for three years and until his successor is qualified. He shall have such powers and perform such duties as the council may prescribe, in addition to such duties as may be prescribed by law. He shall keep the records of the meetings of the council.

City clerk to hold office until successor is qualified

The person holding the office of city clerk at the time when any of the plans set forth in this chapter has been adopted by such city shall continue to hold office for the term for which he was elected and until his successor is qualified.

Information by mayor to city council, attendance at meetings, etc.

SECTION 19. The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction and may request him to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the mayor of said questions. The mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The mayor may attend and address the city council in person or through the head of a department, or a member of a board, upon any subject.

Ordinances, passage, etc.

SECTION 20. No ordinance shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property.

No ordinance shall be regarded as an emergency measure unless the emergency is defined and declared in a preamble thereto separately voted on and receiving the affirmative vote of two thirds of the members of the city council.

No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency measure, and except as provided in sections seventy and seventy-one of chapter one hundred and sixty-four and in chapter one hundred and sixty-six, no such grant, renewal or extension shall be made otherwise than by ordinance.

Amendments, etc.

SECTION 21. No ordinance shall be amended or repealed except by an ordinance adopted in accordance with this chapter.

Passage at one session

SECTION 22. Any ordinance, order or resolution may be passed through all its stages of legislation at one session, provided that no member of the council objects thereto; but

if any member of the council objects, the measure shall be postponed for that meeting.

Ordinances, etc., to be published

SECTION 23. Every proposed ordinance or loan order, except emergency measures as hereinbefore defined, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage. After such final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall be so published at the earliest practicable moment; provided, that if any ordinance or proposed ordinance, or codification of ordinances or proposed ordinances shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, and thereafter, as amended and completed, again published in such bulletin or pamphlet, said publications shall be deemed sufficient without the newspaper publication as herein required.

Obligations, actions, legal acts, etc., to continue

SECTION 24. All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the city before its adoption of a plan provided by this chapter, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by this chapter; and no legal act done by or in favor of the city shall be rendered invalid by its adoption of a plan provided by this chapter.

Civil service laws not to apply to certain employees

SECTION 25. The civil service laws shall not apply to the appointment of the mayor's secretaries or of the stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause of their removal.

Certain vacancies, how filled

SECTION 26. If a vacancy occurs in the office of the mayor or city council before the last six months of the term of office, the city council shall order an election for a mayor or a member of the council to serve for the unexpired term; and if such vacancy occurs in the last six months of said term, the president of the city council shall succeed to the office of mayor for the unexpired term. If the mayor is absent or unable from any cause temporarily to perform his duties they shall be performed by the president of the city council. The person upon whom such duties shall devolve shall be called "acting mayor," and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

"Acting mayor," powers and duties

Disability of councillor, etc.

Whenever, under plan C, any councillor shall be temporarily unable for any cause to perform the duties of his office, the council may appoint one of its members to exercise his powers and perform his duties during such disability. Should an appointive officer of the city be temporarily unable for any cause to perform his duties, the council or the mayor, having the power of original appointment, may make a temporary appointment of some person to act until such official resumes his duties.

Officials and employees prohibited from making or sharing in contracts Penalty

SECTION 27. No mayor or member of the city council or school committee and no officer or employee of the city shall directly or indirectly make a contract with the city, or receive any commission, discount, bonus, gift, contribution, or reward from or any share in the profits of any person making or performing such contract, unless the mayor, such mem-

ber, officer or employee, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify in writing the mayor, city council or school committee of the nature of his interest in such contract, and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty it is to sign contract on behalf of the city, the contract may be signed by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest, by the city clerk; provided, that when a contractor with the city is a corporation or a voluntary stock association, the ownership of less than five per cent of the stock actually issued shall not be considered as involving an interest in the contract within the meaning of this section, and such ownership shall not effect the validity of the contract unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

Proposals to be asked for certain contracts

SECTION 28. No contract for construction work or for the purchase of apparatus, supplies or materials, whether for repairs or original construction, the estimated cost of which amounts to five hundred dollars or more, except in cases of special emergency involving the health or safety of the people of their property, shall be awarded unless proposals for the same have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place where plans and specifications of proposed work or

Advertisements, terms, etc.

supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this chapter.

Mayor to approve certain contracts Surety bond, etc.

SECTION 29. All contracts made by any department, board or commission where the amount involved is five hundred dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor and of the department or board making the contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the board or official having the matter in charge, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department or board making the contract, with the approval of the mayor affixed thereto.

Purchase or taking of land for municipal purposes

SECTION 30. At the request of any department, and with the approval of the mayor and the city council, the city council may, in the name of the city, purchase, or take under chapter seventy-nine, any land within its limits for any municipal purpose. Whenever the price proposed to be paid for a lot of land for any municipal purpose is more than twenty-five per cent higher than its average assessed valuation during the previous three years, the land shall not be purchased but shall be taken as aforesaid. No land shall be taken or purchased until an appropriation by loan or otherwise for the general purpose for which land is needed has been made by the city council, by a two thirds vote of all its

members; nor shall a price be paid in excess of the appropriation; unless a larger sum is awarded by a court of competent jurisdiction. All proceedings in the taking of land shall be under the advice of the law department, and a record thereof shall be kept by that department.

School committee, number, term, etc.

SECTION 31. The school committee shall consist of the mayor, who shall be the chairman, and six members elected at large. At the first annual city election held in any city after its adoption of one of the plans provided in this chapter, there shall be elected two members to serve for one year, two for two years and two for three years, and annually thereafter there shall be elected two members to serve for three years.

To appoint superintendent
Members not to hold other offices

SECTION 32. The school committee shall elect a superintendent of schools annually, except as provided in section forty-one of chapter seventy-one, and may, under chapter thirty-one, appoint, suspend or remove at pleasure such subordinate officers or assistants, including janitors of school buildings, as it may deem necessary for the proper discharge of its duties and the conduct of its business; it shall define their terms of service and their duties, and shall fix their compensation. No member of the school committee, except the mayor, shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable out of the city treasury. The committee shall organize annually on the first Monday in January, and shall elect one of its members as vice chairman, who shall preside at all meetings of the committee at which the mayor is not present.

Powers and duties

SECTION 33. Except as otherwise provided in this chapter and subject to any laws which limit the amount of money that may be appropriated in any city for school purposes, the school committee, in addition to the powers and duties

conferred and imposed by law on school committees, may provide when necessary, temporary accommodations for school purposes, may make all repairs, the expenditures for which are made from the regular appropriations for the school department, shall have control of all school buildings and grounds connected therewith and shall make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee.

Sites, plans, etc., for school buildings

SECTION 34. No site for a school building shall be acquired by the city unless the approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless the approval of the school committee and the mayor is first obtained. This section shall not require such approval for the making of ordinary repairs.

Meetings to be public Yea and nay vote

SECTION 35. All meetings of the school committees shall be open to the public, except that, when requested by four members, any particular meeting shall be private. The vote on any particular measure shall be by yeas and nays, when requested by two members.

May fill vacancy in their own body

SECTION 36. If a vacancy occurs in the school committee by failure to elect, or otherwise, the city council and the remaining members of the school committee shall meet in joint convention and elect a suitable person to fill the vacancy until the next annual city election. The mayor, if present, shall preside at the convention.

Petition for passage of a "measure"

SECTION 37. A petition conforming to the requirements hereinafter provided and requesting the city council to pass a measure, except an order granted under section seventy or

seventy-one of chapter one hundred and sixty-four, or chapter one hundred and sixty-six, or requesting the school committee to pass a measure, therein set forth or designated, shall be termed an initiative petition, and shall be acted upon as hereinafter provided. In this and the eight following sections, "measure" shall mean an ordinance, resolution, order or vote passed by a city council, or a resolution, order or vote passed by a school committee, as the case may be.

Signatures to initiative petitions Transmission

SECTION 38. Signatures to initiative petitions need not be all on one paper. All such papers pertaining to any one measure shall be fastened together and shall be filed in the office of the city clerk as one instrument, with the endorsement thereon of the names and addresses of three persons designated as filing the same. With each signature to the petition shall be stated the place of residence of the signer, giving the street and number, if any.

Certification of registered voters

Within five days after the filing of said petition the registrars of voters shall ascertain by what number of registered voters the petition is signed, and what percentage that number is of the total number of registered voters, and shall attach thereto their certificate showing the result of such examination.

City clerk to transmit certificate, etc.

The city clerk shall forthwith transmit the said certificate with the said petition to the city council or to the school committee, according as the petition is addressed, and at the same time shall send a copy of said certificate to one or more of the persons designated on the petition as filing the same.

Action by city council or school committee if initiative petition is fully signed Referendum

SECTION 39. If any initiative petition is signed by registered voters equal in number to at least twenty per cent of the whole number of registered voters, the city council or the school committee shall, within twenty days after the date of the certificate of the registrars to that effect:

1. Pass said measure without alteration, subject to the referendum vote provided by this chapter or,

2. The city council shall call a special election to be held on a Tuesday fixed by it not less than thirty nor more than forty-five days after the date of the certificate hereinbefore mentioned, and shall submit the proposed measure without alteration to a vote of the registered voters of the city at that election; provided that if any city election is otherwise to occur within ninety days after the date of said certificate, the city council may, at its discretion, omit calling the special election and submit the proposed measure to the voters at such approaching election.

Proceedings if petition is not fully signed

SECTION 40. If an initiative petition is signed by registered voters equal in number to at least eight per cent but less than twenty per cent of the total number of registered voters, and said measure be not passed without alteration within twenty days by the city council or the school committee, as provided in the preceding section, such proposed measure, without alteration, shall be submitted by the city council to a vote of the registered voters of the city at the next annual city election; and if under this or the preceding section it shall be approved by a majority of the registered voters voting thereon such proposed measure shall become law.

Ballots to state nature of measure

SECTION 41. The ballots used when voting upon a proposed measure under section thirty-nine or forty, or a measure or part thereof protested against under the following section, shall state the nature of the measure in terms sufficient to show the substance thereof. No such proposed measure shall go into effect unless it receives the affirmative votes of at least a third of the whole number of registered voters.

Referendum petition

SECTION 42. If, within twenty days after the final passage of any measure by the city council or by the school committee, a petition signed by registered voters of the city,

equal in number to at least twelve per cent of the total number of registered voters, is presented to the city council or to the school committee, as the case may be, protesting against such measure, or any part thereof, taking effect, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the registered voters of the city, either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

Procedure, etc.

The petition described in this section shall be termed a referendum petition and section thirty-eight shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section wherever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

City council may submit questions to voters

SECTION 43. The city council may, of its own motion, and shall, upon request of the school committee if a measure originates with that committee and pertains to the affairs under its administrations, submit to a vote of the registered voters of the city for adoption or rejection at a general or special city election any proposed measure, or a proposition for the repeal or amendment of any measure in the same manner and with the same force and effect as are hereby provided for submission on petition.

Measures with conflicting provisions

SECTION 44. If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Certain provisions apply to any plan adopted

SECTION 45. Sections one to forty-four, inclusive shall, upon the adoption by any city of any of the plans hereinafter set forth, apply to the plan so adopted, except as is otherwise provided in such plan.

Approval and veto by mayor of orders, etc.

Mayor's veto

SECTION 55. Every order, ordinance, resolution and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it he shall sign it; if he disapproves it he shall return it, with his written objections, to the city council, which shall enter the objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution or vote by a two-thirds vote of all its members, it shall then be in force, but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution and vote shall be in force if not returned by the mayor within ten days after it has been presented to him. This section shall not apply to budgets submitted under section thirty-two of chapter forty-four, or to appropriations by a city council under section thirty-three of said chapter.

PLAN B

Plan B method

SECTION 56. The method of city government provided for in the seven following sections shall be known as Plan B.

When plan takes effect

SECTION 57. Upon the adoption by a city of Plan B, it shall become operative as provided in sections one to forty-five, inclusive.

Mayor, election, term, etc.

SECTION 58. There shall be a mayor elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from the first Monday in January following his election and until his successor is qualified.

City council, election, number, terms of office, etc.

SECTION 59. The legislative powers of the city shall be vested in a city council. One of its members shall be elected by the council annually as its president. In cities having more than seven wards, the city council shall be composed of fifteen members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected by and from the qualified voters of the city. In cities having seven wards or less, the city council shall be composed of eleven members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected by and from the qualified voters of the city.

At the first election held in a city after its adoption of Plan B, the councillors elected from each ward shall be elected to serve for one year, and those elected at large shall be elected to serve for two years, from the first Monday in January following their election and until their successors are qualified; and at each annual city election thereafter

the councillors elected to fill vacancies caused by the expiration of the terms of councillors shall be elected to serve for two years.

Appointments by mayor subject to confirmation

SECTION 60. Upon the adoption of Plan B, all heads of departments and members of municipal boards, except the school committee, officials appointed by the governor, and assessors if elected by the people, as their terms of office expire shall be appointed by the mayor, subject to confirmation by the city council; but the city solicitor shall be appointed, and may be removed, by the mayor, without confirmation by the city council. This section shall apply to the city solicitor in office when Plan B becomes operative.

Removals, etc.

SECTION 61. The mayor may, with the approval of a majority of the members of the city council, remove the head of a department or member of a board before the expiration of his term of office, except members of the school committee, officials appointed by the governor, and assessors if elected by the people. The person so removed shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same before the city council. He may be represented by counsel at the hearing.

Salaries

SECTION 62. The mayor shall receive for his services such salary as the city council by ordinance shall determine, not exceeding five thousand dollars, and shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected.

The council may, by a two thirds vote of all its members, taken by call of the yeas and nays, establish a salary for its members not exceeding five hundred dollars each. Such salary may be reduced, but no increase therein shall be made to take effect during the year in which the increase is voted;

provided, that the initial establishment of such salary after the adoption of plan B may take effect in the year when established and in accordance with the vote establishing the same.

SECTION 63. Section fifty-five shall apply to cities which adopt Plan B.

Approval by mayor of orders, etc.

CHAPTER I.

ORDINANCES OF THE CITY

Name of this revision

SECTION 1. The ordinances contained in this chapter and in the chapters following shall be known as the ORDINANCES OF 1922, and having been revised and compiled by the city solicitor, are hereby declared to be the ordinances of the said City of Salem and shall have the force thereof, and shall take effect in accordance with the provisions of section fifty-five of chapter forty-three of the General Laws.

All other ordinances repealed

SECTION 2. All other ordinances and parts of ordinances heretofore passed are hereby repealed.

Construction of ordinances

SECTION 3. The repeal in the preceding section shall not affect any act done, or any right accruing or accrued, or established, or any suit, or procedure had or commenced in any civil case before the time when such repeal shall take effect, nor any offence committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal, for an offence committed, or for the recovery of any penalty or forfeiture incurred, under any of the provisions so repealed; and in all cases where any provisions of the following ordinances are made to go into operation at any time hereafter, the corresponding provisions, if any, of the said repealed ordinances shall continue in force until the new provisions shall go into operation, subject, however, to any express regulations relating thereto, which may be contained in the following ordinances; and all persons who, at the time when said repeal shall take effect, shall hold any office, under any of the ordinances so repealed, shall continue to hold the same according to the tenure thereof, except those offices which may be abolished and those as to which a different provision shall have been made by the following ordinances, and no ordinance or part of an ordinance which has been

Operation of ordinances

heretofore repealed, shall be revived by the repeal in the preceding section of any of the ordinances, or parts of ordinances therein mentioned,

Enacting style of ordinances

SECTION 4. All by-laws of the city shall be denominated ordinances, and the enacting style shall be, "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALEM, AS FOLLOWS."

Certain terms in ordinances defined

SECTION 5. The work way, street, streets and highways when used in an ordinance, shall be construed as including boulevards, avenues, courts, lanes, alleys, squares, places, parks, playgrounds, the Common, and sidewalks, and each of these words includes every word of them, unless such construction would be inconsistent with the manifest intent of the ordinance. The owner or occupant of a building or land shall be construed as including any sole owner or occupant, and any joint tenant and tenant in common of the whole or any part of a building or lot of land; words purporting to give joint authority to three or more officers or other persons, shall be construed as giving such authority to a majority of such officers or persons. The word person shall be construed as including corporations, and words importing the singular number as applying to the plural number, and words importing the masculine gender as applying to the feminine, unless any such constructions would be inconsistent with the manifest intent of the ordinance.

Who liable for offences

SECTION 6. When anything is prohibited in any ordinance, not only the person actually doing the prohibited thing, but also the employer and any person concerned therein, shall be liable to the penalty prescribed.

Power to grant permit or license when anything is prohibited without such permit or license

SECTION 7. When, in any ordinance, anything is prohibited from being done without the permission or license of a certain officer, officers or board, then such officer, officers or board shall have the power to permit or license such thing to be done.

Fines and penalties to be paid into city treasury

SECTION 8. All fines and penalties for the violation of any ordinance, or any order of the city council, shall, when recovered, inure to the use of the city, and be paid into the city treasury, unless it be otherwise directed by law or ordinance.

Ordinances to be published and printed with city documents

SECTION 9. Every ordinance shall be published by the city clerk and in accordance with city charter, and shall be printed with the city document of the year next subsequent to the date of its adoption.

Conditions of licenses

SECTION 10. When no other provision is made by virtue of any ordinance of the city or any law, the city council may grant all licenses, not otherwise herein provided for, upon such terms and under such restrictions as they may prescribe, and revoke the same at will.

Licenses, how granted

SECTION 11. All licenses, excepting for theatres, public amusements and those otherwise provided by statue, shall be granted by the city council. All applications, save those for auctioneers' licenses, shall be referred by the city council to the police department for investigation and report, but applications for licenses for hawkers and pedlars shall be referred to the board of control for investigation and report.

City council may establish rates of fares and amount of fees

SECTION 12. When no other provision is made by virtue of any ordinance of the city, or any law, the city council may establish the rates of fare and the fees to be charged by any and all persons licensed by the said council for any service they may perform by virtue of such license, and the said council may revise, change, alter or amend said rates of fares or fees at any time.

Licenses, how issued

SECTION 13. All licenses granted by the city council, except provision is made by some other ordinance or law, shall be signed and issued by the city clerk and shall bear the city seal.

Attested copy of new ordinances to be sent to certain officers

SECTION 14. Immediately upon the passage of any ordinance or amendment to any ordinance, an attested copy of the same shall be sent by the city clerk to the city solicitor, to the city marshal, and to the clerk of the First District Court of Essex.

Ordinances not to conflict with civil service rules

SECTION 15. Nothing in these ordinances relating to the appointment or removal of city officials or employees shall be construed in such a manner as to be in conflict with the civil service rules.

Expenses of advertising to be paid by applicant

SECTION 16. Any application from any corporation, firm or individual for a permit or license for the erection of any pole, sign or building, the removal of a building, the laying out of a street, or for any other purpose or thing which is required by law or ordinance to be advertised, and which is solely for the benefit of such corporation, firm or individual, shall be accompanied by a fee equal to the estimated cost of such advertising, and the city clerk shall not present to the city council any such application until such fee has been paid.

Penalty

SECTION 17. Whoever violates any ordinance of the city shall, unless a different provision is made therein, or by the statutes, forfeit and pay to the use of said city, a sum not exceeding twenty dollars.

CHAPTER II.

ASSESSORS AND ASSISTANT ASSESSORS.

Appointment of assessors

SECTION 1. The mayor shall, in February, 1922, appoint, subject to the confirmation of the city council, three persons who shall comprise the board of assessors, one person shall be appointed for the term of one year, one person for the term of two years, and one for the term of three years, beginning with the first day of March, 1922, and thereafter the mayor shall annually in January appoint, subject to the confirmation of the city council, a person to serve as assessor for the term of three years beginning with the first day of February succeeding his appointment. Any vacancy occurring in said board shall be filled in the above manner. They shall exercise the same powers and be subject to the same duties and liabilities that the assessors in the several cities in this commonwealth may exercise, or be subject to, under existing laws. The assessors shall annually in the month of February, meet and organize, by the choice of a chairman and a secretary from among their own number, and a majority of the board shall constitute a quorum for the transaction of business.

Duties and liabilities

Organization and quorum

Appointment of assistant assessors

SECTION 2. In the month of March, the assessors shall appoint not more than one assistant assessor from each precinct, each of whom shall hold office until the end of the calendar year in which he is appointed. Vacancies in the office of assistant assessors shall be filled in the above manner. Assistant assessors shall, in their respective wards, assist the assessors in taking a list of the ratable polls, and in estimating the value of the real and personal estate in said precincts, and perform such other duties connected with the assessment of taxes, as the board of assessors may require; and each assistant assessor shall be employed for such time as said board shall deem necessary.

Duties of assistant assessors

Share in taxes paid to tax commissioner

Duties of secretary

Pay and service of assistant assessors

SECTION 3. The chairman of said board shall, by an examination of the returns and records in the office of the tax commissioner, and by all proper methods, see that the city obtains its proper apportionment of taxes paid to the tax commissioner. The secretary shall carefully preserve all books, records and papers belonging to the assessors' department, shall keep a record of the doings of the board, and the number of days that the assistant assessors severally devote to the service of the city; and said assistants shall severally receive pay only for such number of days' service of eight hours each, as shall be certified by the majority of said board.

Assessment and collection of taxes

SECTION 4. All taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this commonwealth; provided, however, that the city council may establish further or additional provisions, not inconsistent with law, for the collection thereof. The assessors shall annually complete the list of all taxes assessed, and commit the same, with their warrant, to the city collector on or before the first day of September, and on the first day of every succeeding month they shall commit to said collector lists of all additional or supplementary assessments made during the preceeding month, together with warrants for their collection.

List of dogs

List of persons liable to enrollment in militia

SECTION 5. The assessors shall annually make a list of all dogs owned or kept in the city, and make a list of persons living within the city limits liable to enrollment in the militia, and return both said lists to the city clerk as required by law.

Assessment districts

SECTION 6. The assessors may in any year divide any ward into convenient districts for the purposes of facilitating assessments.

Abatement of taxes

SECTION 7. All abatements of taxes shall be made at a legal meeting of the assessors, and shall be recorded in a

book kept for that purpose. Said record shall contain the name of each person whose tax is abated, the amount of his tax as originally assessed, the amount abated, and the reason for such abatement. The assessors shall, at the time of abatement, certify to the city collector a true copy of the record thereof. They shall annually, on or before the fifteenth day of September, certify to the city auditor the total amount of taxes assessed for the current year, and from time to time any additional taxes assessed or reassessed. They shall at the end of each month certify to the auditor the amount of taxes abated for each day during that month.

Taxes, assessed and re-assessed and abatements, to be certified

SECTION 8. Every assessor and assistant assessor shall, before entering upon the duties of his office, take the oath prescribed by law.

Oath of office

SECTION 9. The assessors and assistant assessors shall receive for their services such compensation as the city council may determine.

Compensation

SECTION 10. Poll taxes shall be due and payable on demand of the collector of taxes.

Poll taxes when due

SECTION 11. The collector may, thirty days after notices of poll taxes have been mailed, issue summons for all taxes then remaining unpaid.

Summons on poll taxes

SECTION 12. Taxes on real and personal estates shall be due and payable on the fifteenth day of October in each year.

Real and personal taxes when due

SECTION 13. The collector, may, thirty days after said taxes are due and payable, issue summons for all taxes upon real and personal estates then remaining unpaid.

Summons on real and personal taxes

Interest on taxes

SECTION 14. Interest at the rate of six per cent per annum, computed from the fifteenth day of October, shall be collected upon all taxes remaining unpaid after the first day of November in each year, together with additional interest at the rate of two per cent per annum on the amount of all taxes in excess of two hundred dollars if such taxes remain unpaid after the expiration of three months after the fifteenth day of October.

Omitted taxes

SECTION 15. Taxes on real and personal estates, omitted from the annual assessment of taxes, shall be due and payable as provided by law.

Office hours

SECTION 16. The office of the assessors shall be open on all week days, except holidays and Saturdays, from eight thirty o'clock in the forenoon until four o'clock in the afternoon, and on Saturdays from eight thirty in the forenoon until one o'clock in the afternoon, and each of the assessors shall be present during the hours between nine and twelve a. m. and two and four p. m., except that at such times as the business of the office requires the temporary absence of one or more, in which event notice shall be left in the office of the probable time of such absence; they shall also be present at such other times as the business of the office may require and during the hours when the registrars of voters are in session for the purpose of registration of voters.

CHAPTER III.

CONGRESS STREET BRIDGE

Appointment of supt. and asst. supt. of Congress St. bridge

SECTION 1. The mayor shall, subject to confirmation by the city council, appoint a superintendent and an assistant superintendent of Congress Street Bridge, each of whom shall continue in office until his successor is appointed. Vacancies shall be filled in the above manner. They shall receive such compensation as may be determined by the city council.

Duties of superintendent

SECTION 2. The superintendent shall have charge of the said bridge; shall cause the draw thereof to be opened at all times (day or night) when required, for the passage of vessels, and to be closed forthwith after such passage, not permitting more than one vessel to pass at any one opening of the draw, unless the bridge shall be free from passengers, in which case he may use his discretion as to the number of vessels to be permitted to pass prior to the closing of the draw; and the superintendent shall take care of said bridge, the piers, and all other parts thereof, and all the appurtenances thereto, and see that they are at all times in a safe and satisfactory condition, and free from all obstructions, and that the railing and planks are in good order; and shall keep the snow and ice removed from the sidewalks. The assistant superintendent shall aid the superintendent to perform all the duties imposed by law or ordinance upon said superintendent and shall be in charge of said bridge in the absence of the superintendent.

Duties of asst. supt.

Direction for opening draw

SECTION 3. No draw shall be opened for the passage of a vessel, if in the opinion of the superintendent the vessel cannot pass through without grounding; nor if the super-

intendent shall so direct, until the vessel is made fast to one of the piers at said draw, with a sufficient warp or warps passed through the same.

Supt. to control passage of vessels and to enforce ordinance

SECTION 4. The superintendent shall have full control of the passing of all vessels through the draw of said bridge, shall furnish all facilities for such passing, shall allow no detention, having due regard for the public travel, and shall enforce the provisions of this ordinance.

Owners of vessels liable for injuries to bridge

SECTION 5. If a vessel, through the negligence of the persons having charge of her, or through their neglect to comply with this ordinance, or disregard of the directions of the superintendent, injures the bridge or draw or a pier or wharf connected therewith, the owners of such vessel shall be liable for such damage, to be recovered by the city in an action of tort.

Supt. may remove vessel obstructing draw

SECTION 6. The superintendent may remove a vessel obstructing the draw of the said bridge, or interfering with the passage of other vessels through the same, or made fast, without his consent, to said draw or bridge or to a pier or wharf connected therewith, or wilfully violating this ordinance; and the expense of such removal shall be recovered as provided in the preceding section.

Supt. to make annual report

SECTION 7. The superintendent shall annually, on the first day of February, report to the city council the number of times the draw of the said bridge has been opened during the previous year, and such other matters of general interest as he may deem expedient.

Copy of ordinance to be posted

SECTION 8. The superintendent shall keep a printed copy of this ordinance posted in some conspicuous place near the draw of the said bridge.

Fire dept. to be notified

SECTION 9. Immediately before opening the draw of said bridge, the superintendent shall notify the headquarters of the fire department that he intends to open said bridge, and shall also notify said headquarters immediately after the bridge has been closed.

Penalty

SECTION 10. Any person or persons who shall deface, break or injure the draw of said bridge or the piers, thereof, or who shall in any way obstruct the passage of such draw, or the opening or closing of the same, or who shall open such draw, or shall attempt to pass through the same with any vessel or vessels, or in any manner whatever interfere therewith, without the consent of the superintendent, shall be liable to a penalty not exceeding fifty dollars, for each violation thereof.

CHAPTER IV.

MOVING OF BUILDINGS, MACHINERY AND OTHER HEAVY ARTICLES THROUGH THE STREETS.

No building to be moved without permit

SECTION 1. No person shall move a building in a public street or way, without written permission from the city council, to be granted upon such terms as in their opinion public safety may require.

Form of application

SECTION 2. All applications for such permission shall be made to said city council, and shall state the location from and that to which the building is to be moved, its length, width, and height, and the principal material of which it is constructed, and shall definitely describe the route over which it is to be moved, the length of time required to move it, and whether any shade trees or branches thereof will have to be removed, and, if any, the location of such trees or branches.

Inspector of buildings to consent and superintendent of streets to approve route

SECTION 3. All applications shall be accompanied by the written consent of the inspector of buildings to place the building on the lot proposed, together with a certificate from him that the building has been examined and is in proper condition for removal; and also, by a certificate from the superintendent of streets approving the described route.

Permits granted only to building movers

SECTION 4. Permits shall be granted only to practical building-movers, who are known to be engaged in such business; and the moving shall be under the direction of the superintendent of streets.

Bond to be given

SECTION 5. No person shall move a building in a public street or way, until he has given a bond to the city of Salem, in the sum of five hundred dollars, with two or more sureties (one of whom shall be the owner of the building,) to save harmless and indemnify the city from all damages which may occur by such moving. Said bond shall be approved by the superintendent of streets and be filed with the city clerk, before the permit is issued.

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Hearing to be given if building will encumber railroad tracks

SECTION 6. Whenever it appears that the moving of a building, under the provisions of this ordinance, will encumber the tracks of any railroad corporation, a public hearing shall be given by the city council upon the subject, before a permit is granted.

Trees and wires not to be removed or cut without permit

SECTION 7. No person moving a building as aforesaid, shall cut, trim, or remove any shade tree in a street, except by written permission of the superintendent of shade trees, and in the case of removal until after a public hearing as provided by law, nor cut, or interfere with any wire running in, through or over any street, except by permission of the city electrician.

Moving of machinery and articles excessive in weight or bulk restricted

SECTION 8. No person shall move in or through any street or way, any machinery, merchandise or other article weighing more than fourteen tons, including the vehicle or contrivance carrying the same, or being of a size or bulk that would probably unduly obstruct travel on said street or way, without first having obtained a written permit from the superintendent of streets, containing such restrictions as he may deem expedient, or the consent of the city council.

Penalty

SECTION 9. Whoever violates any of the provisions of this ordinance, shall forfeit and pay for each offence, not less than five dollars nor more than twenty dollars.

CHAPTER V.

BUILDINGS.

Inspection and construction of buildings regulated

SECTION 1. For the purpose of securing the prevention of fire and the preservation of life, health and morals, the city council hereby regulates the inspection, materials, construction, alteration, repair, height, area, location and use of buildings and other structures, within the limits of the city of Salem, and established fire limits, as hereinafter provided.

Supt. of public property to be inspector of buildings

SECTION 2. The superintendent of public property shall be the inspector of buildings, who shall perform the duties set forth in these ordinances. He may, subject to the approval of the city council, appoint a deputy who shall assist him in the performance of these duties. He shall also keep a record of the business of his office, including all violations of the ordinances relating to buildings, and shall annually on the first day of January, submit to the city council a report of his doings during the preceding fiscal year. Said inspector, on being informed by report or otherwise that a building or other structure or anything attached to or connected therewith, is unsafe or dangerous to life or limb, shall

Duties of inspector

inspect the same, and if it appears to him that it is thus dangerous, he shall forthwith take such action as the laws of the Commonwealth require. He shall generally perform such duties as may be required of him by law or ordinance.

Permit required

SECTION 3. No building, structure or foundation of any sort shall be erected, constructed, repaired or materially altered unless the owner or the tenant, or the builder, or their agent, has secured a permit therefor from the inspector. Unless building operations are begun within ninety days from the date a permit is issued, said permit shall be void.

Application for permit to be accompanied by plans and specifications

SECTION 4. An application for a permit must be made by the owner, or the tenant, or the builder, or their agent, upon the regular blanks provided for this purpose by the city, and must be accompanied by two sets of full working plans and specifications. The application shall be filed with the inspector of buildings, who shall forthwith determine if the work proposed conforms to the provisions of the statutes of the commonwealth and the ordinances of the city.

Plans to be open to inspection

SECTION 5. When a permit for building is issued, the inspector shall stamp one set of drawings and deliver the same to the applicant with his permit. This stamped set of drawings shall be kept on the premises of the building at all times and shall be open for examination to the inspector.

What plans must show

SECTION 6. The plans to be filed with the application for permit must show the arrangement of the lot, and in plan, the design of the exterior, the materials of construction and finish, and in a general way the system of heating to be used, but a separate permit must be taken out for heating, plumbing, and electric work. Permits for such portions of the work may be applied for after the building is under way, and shall be granted in the manner provided by ordinance.

Separate permit for heating, etc.

Work to be done in accordance with plan

SECTION 7. No work shall be constructed at variance with the said plans and permit without the written approval of the inspector of buildings. The said inspector shall have

Inspector to stop work, etc.

the power to stop any work in the process of being constructed either without a permit or not in conformity to the permit granted, and to remove or cause the removal of the same at the expense of the owner of the property.

Permit a license

SECTION 8. A permit shall be a license, any violation of the terms of which shall be deemed adequate cause for its immediate revocation by the inspector.

Plans to be made by a competent person

SECTION 9. No plans for the erection of buildings shall be considered by the inspector unless they have been prepared by and bear the name of an engineer or architect or other person whom the inspector deems competent.

Inspector to examine churches, halls, and manufacturing plants

SECTION 10. The inspector shall examine all churches, halls, or other buildings or structures, used, or intended to be used, temporarily or permanently for any public use, and all school houses or school rooms, public or private, and buildings used, or intended to be used for manufacturing purposes, and if he finds that any of said buildings or rooms are deficient in proper facilities of egress in cases of fire or accident, either in number, width, construction or arrangement of the entrances, aisles, passageways, or stairways, or by reason of inner doors opening inward, or from any other cause whatever, arising from the manner of construction, alteration, or repair of the premises, he shall at once notify the state inspector of factories and public buildings.

Duties when public is endangered on account of combustible material or obstructions

SECTION 11. Whenever it appears to the inspector that, if any of the buildings or structures, or portions thereof, mentioned in the foregoing section, temporarily endanger the security of the public by the use of combustible stuff or materials; or that benches, stools, or other obstructions are temporarily placed in the aisles or passageways thereof in such manner as to prevent free egress in case of fire or accident during the time when the same may be opened to

the public; or that benches, chairs, or settees are temporarily so arranged as not to afford proper egress in case of fire or accident; or that outer doors opening inward are not kept open when such buildings or structures are used by the public; then, and in either of such cases, the inspector shall notify the person for the time being having charge of the premises, and require such person at once to make the premises safe, and if he refuses or neglects to do so, the inspector shall remove the obstruction and prosecute the offender.

Outer doors to be kept open

SECTION 12. All outer doors of buildings and structures mentioned above in section ten, shall be kept open when such buildings or structures are used by the public, unless such doors open outwards, and except that fly doors opening both ways may be kept closed. All inner doors of such buildings and structures shall be made so as to open outward, and said inspector is hereby authorized to enter any of such buildings or structures at all reasonable hours for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.

Inner doors to open outward

Licenses to builders

SECTION 13. The city council shall issue licenses to all builders found by them to be qualified and competent. The fee for all licenses hereafter issued shall be five dollars. All licenses shall continue in force until revoked by the city council or in accordance with the provisions of section 8.

License fee

No erection of building except by licensed builder

SECTION 14. No building or structure of any kind shall be erected except by and under the direction of a builder licensed as aforesaid. Every such builder must at all times maintain a suitable foreman upon the premises and, if required by the inspector, he must in addition thereto, at his own expense, supply necessary inspectors, approved by the inspector, for the supervision of reinforced concrete work, or for any other difficult or unusual construction.

Foreman and inspector to be furnished by builder

Appointment of board of appeal

SECTION 15. The mayor shall appoint, subject to the confirmation of the city council, the five members of the board of appeal. Such board shall be constituted in the manner and for the term provided by law.

Appeals to board of appeal

SECTION 16. An applicant for a building permit whose application has been refused by the inspector may appeal therefrom within thirty days to the board of appeal. A person who has been ordered by said inspector to incur any expense may, within ten days after being notified of such order, appeal therefrom by giving notice in writing of his appeal to the said inspector. The notice, or certified copy thereof, shall at once be transmitted by the inspector to the board of appeal.

Duties and powers of board of appeal

After notice given to such persons as the board shall order, a hearing shall be held, and the board shall affirm, annul, or modify said refusal or order. The board may dispense with and vary the application or enforcement of the building ordinance and regulations of said city in cases which do not appear to them to be within the intent of said ordinance, or in cases where a literal interpretation thereof would result in manifest injustice, provided that the dispensing decision shall have the approval of at least four members of the board and shall not conflict with the spirit of the building laws, or of said ordinance. Such a decision shall specify the variations allowed and the reasons therefor, and shall be filed in the office of said inspector within ten days after the hearing. A certified copy thereof shall be sent by mail or otherwise to the applicant and a copy kept publicly posted in the office of said inspector for two weeks thereafter. If the order or refusal of the inspector is affirmed, such order or refusal shall have full force and effect. If the order or refusal is modified or annulled, the said inspector shall issue a permit in accordance with such decision.

Different method of construction allowed

SECTION 17. Methods of construction or maintenance equivalent to those required by the provisions of this ordinance may be allowed with the written consent of the inspector and the board of appeal and the same shall in all cases be specified. A record of the required method and of the equivalent method allowed shall be kept in the office of said inspector. It shall be the duty of the board of appeal to submit to the mayor, on or before the first day of February in each year, a report giving a summary of all its decisions, together with such recommendations for revision of the building ordinance as may seem to it advisable.

Annual report

Strength, stability, etc., determined by inspector

SECTION 18. Any requirement necessary for the strength or stability of any proposed structure, or for the safety of the occupants thereof, not specifically covered by this ordinance, shall be determined by the inspector, subject to appeal.

Certain buildings exempt

SECTION 19. The provisions of this ordinance shall not apply to dwellings or buildings not over one story in height, occupied for mercantile purposes, if such dwellings or buildings are located upon any island within the limits of the city; neither shall this ordinance apply to buildings and structures owned or occupied by the United States, the Commonwealth of Massachusetts, nor to the construction of bridges, quays or wharves.

Ordinance not to conflict with certain regulations

SECTION 20. No provision or requirement of this ordinance shall in any way be construed to alter or modify any of the legal regulations, now existing, or hereafter enacted and coming under the control of the Massachusetts District Police for regulation and construction of garages and boilers or state regulations of elevators. The erection, alteration and repair of all buildings, besides conforming to

Erecting, etc., to comply with statute, etc.

the provisions of this ordinance, shall be subject to the statutes of the Commonwealth and to all other ordinances of the city of Salem not inconsistent therewith.

Fire limits established

SECTION 21. The fire limits of the city of Salem shall include all that part of the city inclosed by the following described lines: Beginning at the corner of Summer and Essex Streets, then running southerly through the middle of Summer Street to Endicott Street, then easterly through the middle of Endicott Street to Mill Street, then southerly through the middle of Mill Street to Washington Street, then southerly through the middle of Washington Street to Harbor Street, then easterly through the middle of Harbor Street to Congress Street, then northerly through the middle of Congress Street to Hawthorne Place, then northerly through the middle of Hawthorne Place and Washington Square West to Brown Street, then westerly through middle of Brown Street to Howard Street, then northerly through middle of Howard Street to the middle of Bridge Street, then westerly through middle of Bridge Street, to North Street, then southerly through middle of North Street to Essex Street.

Definitions

SECTION 22. The following terms used in this ordinance shall have the meanings assigned in this section, viz:—

"Alteration" means any change or addition other than "repairs."

A "half story" or attic is any story included in the roof, the cubic contents of which, exclusive of blind attic not exceeding three feet in height at the highest point, is not more than sixty per cent of the cubic contents of the first story.

"Bay window." A window projecting beyond the outer face of a wall, which may or may not be built upon a foundation.

A "basement" is a story partly underground but having at least sixty per cent of its height above the curb level, and also sixty per cent of its height above the highest level of the adjoining ground. A basement shall be counted as a story.

"Builder" means a builder licensed in accordance with the provisions of this chapter.

A "cellar" is a story having more than forty per cent of its height below the curb level, or below the highest level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement. If any part of the story is in that part the equivalent of a basement or cellar, the provisions of this ordinance relative to basements and cellars shall apply to such part of said story.

Classes of Dwellings: For the purposes of this ordinance, dwellings are divided into the following classes: (a) "private dwellings," (b) "two-family dwellings," and (c) "multiple dwellings."

(a). A "private dwelling" is a dwelling occupied by one family only.

(b). A "two-family dwelling" is a dwelling occupied by two families only.

(c). A "multiple dwelling" is a dwelling occupied otherwise than as a private dwelling or two-family dwelling.

Classes of Multiple Dwellings: All multiple dwellings, for the purposes of this ordinance, are divided into two classes, viz.: Class A and Class B.

Class A. Multiple dwellings of Class A are dwellings which are occupied more or less permanently for residence purposes by several families, and in which the rooms are occupied in apartments, suites or groups. This class includes tenement houses, flats, apartment houses, apartment hotels, bachelor apartments, kitchenette apartments, and all other dwellings similarly occupied, whether specifically enumerated or not.

Class B. Multiple dwellings of Class B are dwellings which are occupied, as a rule transiently, as the more or less temporary abiding place of more than six individuals, who are lodged, with or without meals, and in which, as a rule, the rooms are occupied singly. This class includes hotels, lodging-houses, furnished-room houses, boarding-houses, lodgings, club-houses, dormitories, convents, private hospitals, private asylums, and all other dwellings similarly occupied, whether specifically enumerated herein or not. A "hotel" is a building in which persons are lodged for hire, and in which there are more than forty rooms, a public dining-room for the accommodation of at least forty guests, and a general kitchen. National, state and county institutions are exempt from the provisions of this ordinance.

Courts. A "court" is an open, unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear or side is an inner court. A court extending to the street or front or rear or side is an outer court.

Common Hallway. A "common hallway" is a hallway, corridor or passage-way not within the exclusive control of one family.

Curb Level. The "curb level" is the level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall establish such curb or its equivalent for the purposes of this ordinance.

Curtain Wall. Any exterior wall between columns or piers.

Dwelling. A "dwelling" is any house or building or portion thereof which is occupied in whole or in part, as a home, residence, or sleeping-place of one or more persons, either permanently or transiently.

"Exterior wall" means that part of the outer wall of a building, other than a party wall, above the foundation wall.

"First floor," "second floor," and "third floor," means the first, second and third floors respectively above the cellar or basement, or above the ground, where there is no cellar or basement.

"Foundation wall" means that portion of the outer wall of a building, other than a party wall, below the level of the ground outside said wall.

"Fire door" means a door of standard construction, that is, constructed of pine or other soft wood of two thicknesses of 7/8-inch matched boards, clinch-nailed, at right angles, or placed diagonally with each other, and securely covered with tin on both sides and edges, with folded lapped joints, the nails for fastening the same being driven inside the lap; the hinges and bolts, or latches, shall be secured or fastened to the door or shutter by wrought-iron bolts, passing through the door or shutter, and secured by nuts and washers on the opposite side after the same has been covered with the tin, and such doors or shutters shall be hung upon a wrought-iron frame, independent of the wood-work of the windows and doors, or to wrought-iron hinges securely fastened in the masonry.

Front, Rear and Depth of Lot. The "front" of a "lot" is that boundary line which borders on the street. In the case of a corner lot the owner may elect by statement on his plans either street boundary line as the front. The "depth" of a "lot" is the dimension measured from the front of a lot to the extreme rear line of the lot. In case of irregular-shaped lots the mean depth shall be taken.

Height. The "height" of a dwelling is the perpendicular distance measured in a straight line from the curb level, or from the finished grade line of the lot, where such grade is higher than the curb, to the average of the height of the gable in the case of pitched roofs, and to the highest point of the roof beams in the case of flat roofs, except that in the case of flat roofs a parapet exceeding three feet in height shall be considered a part of the height of the building, the measure-

ments in all cases to be taken through the center of the front of the house. Where a dwelling is on a corner lot and there is more than one grade or curb level, the measurement shall be taken through the center of the front on the street having the lowest elevation.

"Inspector" means the Inspector of Buildings for the City of Salem and his assistants.

"Lots." A "corner lot" is a lot situated at the junction of two or more intersecting streets. A lot other than a corner lot is an "interior lot."

"Lodging house," means a building in which more than six persons are accommodated with sleeping apartments for hire, and includes hotels and apartment houses where cooking is not done in the several apartments.

"Party wall" means every wall used or built in order to be used for joint service between two buildings.

"Partition wall" means any interior wall of masonry in a building.

"Person" means any person, firm or corporation.

"Repairs" means the reconstruction or renewal of any existing part of a building or of its fixtures or appurtenances, by which the strength or fire risk is affected or changed, and made for the purpose of converting the building in whole or in part into a new one.

A "stair hallway" is a common hallway and includes the stairs, stair landings, and those portions of the building through which it is necessary to pass in going between the entrance floor and the roof.

"Tenement house" means a building which, or any portion of which, is occupied, or intended to be occupied, as a dwelling by more than three families living independently of one another and doing their cooking upon the premises, or by more than two families above the second floor, so living and cooking.

"Thickness" of a wall means the minimum thickness of such wall.

Yards. A "rear yard" is an open, unoccupied space on the same lot with a dwelling, between the side lines of the house and the extreme rear line of the lot. A "front yard" is an open, unoccupied space between the front lines of the house and the front line of the lot. A "side yard" is an open, unoccupied space between the side line of the house and side line of the lot extending from the street or front yard to the rear yard.

The expression "warehouse class" shall be taken to mean and include the following buildings:

Armories, Garages, Churches, Conservatories, Court Houses, Fire Stations, Jails, Libraries, Markets, Museums, Office Buildings, Police Stations, Printing Houses, Public Assembly Halls, Pumping Stations, Railroad and Railway Buildings, Refrigerating Houses, Slaughter Houses, Stores, Stables, Warehouses.

Buildings to conform to their particular class

SECTION 23. All buildings to be erected must be built in conformity to the requirements of the particular class to which said buildings belong as shown by the classification in the following sections.

Definition of first class building

SECTION 24. (a) A first-class building shall consist of fireproof material throughout, except that wood may be used only for finished floors, inside finish, windows and doors, and isolated furring.

Definition of second class building

(b) A second-class building shall mean any building not of the first class, whose external and party walls are constructed of self-sustaining, incombustible material, including cornices and similar appurtenances. Interior partitions, floors and roof-framing may be of wood. A second-class building shall be limited to sixty-five feet in height.

Definition of mill frame building

(c) A mill frame building shall mean any building without hollow or concealed spaces; having wood frame covered with suitable boarding and slate or asbestos, metal, or other incombustible material for exposed surfaces; with roofs of one and three-quarters inch tongued and grooved

planking spiked directly to heavy roof timbers not less than five and a half inches in the least dimension, covered with metal or other approved incombustible roof covering; having solid floors, without unprotected openings, constructed of not less than two and three-quarters inch spliced, or tongued and grooved planking covered with one inch top flooring laid crosswise or diagonally, properly nailed and having between the top flooring and the planking not less than one thickness of waterproof material carefully laid to break joints and flashed at least three inches around all walls, posts or columns with mouldings or mopboards; in which the size and spacing of floor timbers is suitable for the load to be carried, the timbers in no case being less than five and one-half inches in the least dimension, and resting on top of girders, or on stirrups, or on iron or steel plates in the walls, or on iron or steel caps of columns; with girders resting on iron or steel caps, or columns, or steel plates in the walls, arranged so as to be self-releasing, if entering self-sustaining walls, with columns and posts resting on metal socket caps and bases with raised lip and center pin the size and spacing thereof being suitable for the load to be carried, no wooden column or post being less than seven and one-half inches in the least dimension, and all columns, girders and beams of wood being of solid material or of iron or steel. A mill frame building shall be limited to five stories in height and not less than seven and one-half feet from lot lines, unless walls within such distances are constructed of self-sustaining, incombustible material.

Definition of ordinary frame building

(d) Ordinary frame shall mean any building whose exterior walls, partitions, floor and roof framing are wood, with finished exterior wall surfaces of wood.

Definition of third class building

SECTION 25. A third-class building shall mean a residence arranged to accommodate more than two families. If not over two and one-half stories high and accommodating not more than four families, it may be built in the manner prescribed for fourth-class buildings, but must have wood

stud partitions between each suite covered on both sides with metal lath and hard plaster or other equally incombustible material. If more than two and one-half stories in height and accommodating more than two families, it shall be constructed in the same manner as provided for second-class buildings and shall have wood stud partitions between suites and about the stairways, metal-lathed and hard-plastered on one side, and between every other suite the partition shall be an unpierced fire wall extending from cellar bottom to three feet above the roof and from front to rear of the same thickness. If the said building is more than three stories in height, all partitions between suites shall be metal-lathed and plastered on both sides and all partitions about stairways shall be metal-lathed and hard-plastered on one side, and all spaces in said partitions between suites and about stairways shall be filled solid with incombustible material.

Definition of fourth class building

SECTION 26. A fourth-class building shall mean a residence arranged to accommodate one of two families, and may be constructed with an ordinary frame.

Definition of fifth class building

SECTION 27. A fifth-class building shall mean a building used for habitation and mercantile purposes. If it is arranged to accommodate not more than one family on the first floor and one family above, and is not more than two and one-half stories in height, nor more than one thousand five hundred feet in area, it may be constructed with an ordinary frame. If it is arranged to accommodate more than two families, or is more than two and one-half stories in height or more than one thousand five hundred feet in area, it shall be of either first or second-class construction and not more than four stories or fifty-four feet in height.

Definition of sixth class building

SECTION 28. A sixth-class building shall mean any structure containing more than three thousand square feet of ground area or more than two stories in height, intended for use for manufacturing, storage or mill purposes. They

must be of either first, second, or mill-frame class of construction. A building used for commercial, manufacturing, storage or mill purposes, outside the fire limits, not less than seven and one-half feet from lot lines, not exceeding two stories, and not to be more than twenty-five feet in height, and covering not more than three thousand square feet of land, may be built with an ordinary frame.

Definition of miscellaneous class building

SECTION 29. Miscellaneous class shall be any structure not classified, such as sheds, hen-houses, and similar structures, not exceeding one story or twelve feet in height and covering not more than two hundred and fifty feet, and may be built under the same requirements and restrictions as fourth-class buildings.

Stable, construction of

SECTION 30. Stables to accommodate not more than eight horses may be constructed same as required for residences of the fourth class. Stables to accommodate more than eight horses shall be of construction same as required for buildings of the first or second class, or with mill-framed walls not less than five feet from lot lines, the exterior of which are covered throughout with slate, tile, metal, or other equally incombustible material.

Dwelling or stable distance from side boundary

SECTION 31. No portion of any stable, nor of any building used wholly or in part for purposes of human habitation, except cornices, shall be built nearer than five feet to the side line of the adjoining lot, unless the walls of such building within said distance are constructed of brick, concrete or other equally incombustible material not less than eight inches thick and without openings. No building used wholly or in part for human habitation shall cover more than seventy-five per cent of the lot, or if more than one building is constructed on a single lot the combined areas of the buildings shall not exceed seventy-five per cent of the total area of the lot, except that in the case of a corner lot ninety per cent of the lot may be so covered. All outside porches shall

Not to cover more than seventy-five per cent of lot, nor more than seventy-five per cent of corner lot

be considered as parts of the building. The purchase or sale of land after a building is built with exposures as aforesaid shall not permit a reduction in the width of open spaces required by this section.

Height of dwellings determined by width of street

SECTION 32. A dwelling hereafter erected shall not have more than one habitable story for every ten feet of the width of the street, unless such house be set back from the street a distance equal to the excess of its height over that permitted at the street line. Width of street shall be measured from building line to building line. The height of a dwelling shall not be increased so as to exceed the width of the widest street on which it abuts, plus the open unoccupied lot space between said dwelling and said street. On a corner lot the height shall be governed by the width of the wider street, as above, but this height shall not extend along the narrower street a distance greater than twice the width of said narrower street.

Rear yards of dwellings

SECTION 33. Immediately behind every dwelling hereafter erected on a single lot or on a lot upon which there is no other building, there shall be a rear yard, the width of which shall be at least five feet more than the width of said dwelling; said yard shall at every point be open and unobstructed from the ground to the sky, and every part thereof shall be directly accessible from every other part. Said rear yard shall be at least five feet long, except where the rear of the dwelling is within five feet of a public way, cemetery, park or railroad or right of way, in which case no rear yard shall be required. If a dwelling exceeds four stories in height the depth above prescribed shall be increased five feet for interior lots and two feet for corner lots for each story above four stories. Any portion of a corner lot distant more than ninety feet from the corner line shall be treated as an interior lot.

Spaces between dwellings on same lot

SECTION 34. If a dwelling is hereafter erected behind or in front of another dwelling on the same lot there shall be left between the two buildings a yard at least twenty-five feet wide and of a length of not less than fifty per cent of the height of the higher of the two buildings, and in no case shall said length be less than ten feet. Behind the rear dwelling, there shall be a rear yard extending at least ten feet from the said dwelling, but no such yard shall be required if such dwelling abuts upon a public way or is less than ten feet from said way. The rear dwelling shall in no case be built to a greater height than is permitted for the front dwelling house. Where a dwelling is erected by the side of, but not contiguous to, another building on the same lot, there shall be left between the two buildings a space the width of which shall be at least fifty per cent of the height of the higher of the two buildings, and in no case shall the said width be less than ten feet.

Minimum size of rear or side yards

SECTION 35. A dwelling shall not hereafter be enlarged or its lot diminished or other building placed on the lot so that the rear yard or side yard shall be less in size than the minimum sizes prescribed in this ordinance.

Courts in dwelling

SECTION 36. The sizes of all courts in dwellings hereafter erected shall be proportionate to the height of the dwelling. No court shall be less in any part than the minimum sizes prescribed in this section, except as otherwise herein provided. The minimum width of a court for a dwelling two and one-half stories or less in height shall be ten feet, and the width shall increase one foot for each additional full story above two and one-half stories. The length of an inner court shall be at least twice the aforesaid minimum width. The length of an outer court shall never be greater than four times its minimum width. The depth of all courts adjoining the lot line shall be measured to the lot line and not to an opposite building. A court of a dwelling hereafter erected shall not be covered by a roof or skylight, but every

court shall be at every point open from the ground to the sky unobstructed. Extensions or offsets to courts in dwellings hereafter erected are permitted for the purpose of lighting kitchenettes, pantries, bathrooms and water-closets only, but no extension or offset shall be less than six feet in width in any part; its depth shall not be greater than its width. Such dimensions shall be deemed the minimum dimensions for a dwelling two and one-half stories in height or less, and shall increase one foot for each full story above two stories. Nothing herein contained shall be construed to prevent the cutting off of the corners of said courts, provided that the running length of the wall across the angle of such corner does not exceed seven feet. Any court constructed in an existing dwelling shall comply in all respects with the requirements of this ordinance relative to courts.

Window area in dwellings

SECTION 37. In every dwelling, hereafter erected, the total window area in each room shall be at least one-seventh of the floor area of the room, and the whole window shall be made to open in all its parts. One such window shall be at least twelve square feet in area between the stop beads. In multiple-dwellings the top of at least one window shall be seven feet above the floor. In every dwelling, every room shall have at least one window opening directly upon the street or upon a yard or court.

Window area in common hallways in dwellings

Skylights over stairwells in dwellings

SECTION 38. In every dwelling, hereafter erected, every common hallway and stair hallway shall have on each story at least one window containing not less than twelve square feet opening, measured between stop beads, opening directly upon the street or upon a yard or court. If the common hallways and stairs in an existing dwelling shall be altered, then such common hallways and stairs shall be provided with as much light and ventilation as herein above required. In every multiple dwelling hereafter erected, three or more stories in height, there shall be in the roof directly over each stair-well a ventilating skylight provided with ventila-

tors, having a minimum opening of forty square inches and with fixed or movable louvres. All skylights hereafter placed in any multiple dwelling shall be of the same size and type above described.

Sizes of rooms in dwellings

SECTION 39. In every dwelling, hereafter erected, all rooms, except water-closet compartments and bath rooms, shall be of the following minimum sizes; every room shall contain at least ninety square feet of floor area and no room shall be in any part less than seven feet wide. In multiple dwellings of Class A, in each apartment, group, or suite of rooms, there shall be one room containing at least one hundred and fifty square feet of floor area. Every room in a two-family or multiple dwelling, hereafter erected, shall be at least eight feet high from the finished floor to the finished ceiling, except that a half-story room need be eight feet in height in only one-half of its area.

SECTION 40.*

Excavations, how made

SECTION 41. All excavations shall be so protected by sheet piling or other suitable means, by the person causing the same to be made, as to prevent the same from becoming dangerous to life or limb. Whenever an excavation is to be made for any building of other purpose, and there shall be any wall or structure wholly or partly on the adjoining land near the intended excavation, then the party causing such excavation to be made shall notify the owner of said adjoining premises of such intended excavation and also of the depth to which it is proposed to be made.

Adjoining owners notified when

Sustaining power of different soil

SECTION 42. Where no test of the sustaining power of the soil is made, different soils, excluding mud, at the bottom of the footings, shall be deemed safely to sustain the following loads to the superficial foot, namely: soft clay, one ton

*Repealed April 9, 1929.

per square foot; ordinary clay and sand together, in layers, wet and springy, one and one-half tons per square foot; very firm, coarse sand, stiff gravel or hard clay, four tons per square foot. Where a test is made of the sustaining power of the soil, the inspector shall be notified and a record of the test shall be filed.

Foundations of buildings

SECTION 43. Every building shall have suitable foundations of brick, stone, iron, steel or concrete on solid earth or rock, or upon piles where solid earth is not found. Any temporary frame building or shed may rest on a temporary foundation. Foundations shall not be built in wet soil unless the trenches in which the work is being executed are kept free from water, if such is possible, until after the completion of the work upon the foundations. Foundations of rubble stone laid in cement mortar will be allowed only under buildings less than fifty feet in height, and for a depth not exceeding ten feet.

Construction, size, and spacing of piles, etc.

SECTION 44. Piles intended to sustain a wall, pier or post shall be spaced not more than thirty-six nor less than twenty inches on centers, and they shall be driven to a solid bearing, if practicable to do so, and the number of such piles shall be sufficient to support the proposed superstructure. No pile shall be used of less dimensions than five inches at the small end and ten inches at the butt for piles less than twenty feet in length. No pile shall be weighted with a load exceeding forty thousand pounds. When a pile is not driven to refusal its safe sustaining power shall be determined by the following formula: twice the weight of the hammer in tons multiplied by the height of the fall in feet divided by the penetration of the pile under the last blow in inches plus one. The inspector shall be notified of the time when test piles will be driven. The tops of all piles shall be cut off below the water line as determined by the inspector, but in no case above grade eight. In case concrete piles are used, whether reinforced or not, their bearing power shall be

determined by putting in one or more test piles and loading them after the concrete has hardened. The load allowed shall not be more than one-half the load under which the pile begins to settle. In no case, however, shall the load on a concrete pile exceed that allowed for concrete in columns. All wooden piles shall be capped with block granite levelers, each leveler having a firm bering on the pile or piles which it covers, or with first-class Portland cement concrete, not less than sixteen inches thick, above the pile caps, containing one part of cement to not more than six parts of properly graded aggregate of stone and sand, the concrete to be filled in around the pile heads upon the intervening earth.

Metal in foundation to be protected

SECTION 45. Metal in foundations and all structural metal work underground, or in places exposed to wet or dampness, shall be protected from corrosion by concrete or other material approved by the inspector. All foundations

Depth of foundation

shall extend at least three and one-half feet below any adjoining surface exposed to frost, unless they rest on bed rock, they shall reach through loam or fill to undisturbed natural earth or shall rest on piles. No foundation shall be started on frozen ground. Column and pier foundations shall be in-

Column and pier foundation, when to be laid

stalled at the same time as wall foundations, and all permanent columns and piers shall be installed as the work progresses ready to receive the superstructure, temporary shores or columns shall not be allowed.

Foundation wall for wooden buildings

SECTION 46. For wooden buildings not over one and one-half stories in height, the foundation walls shall not be less than sixteen inches thick, if of stone, and not less than twelve inches thick, if of brick, and not less than eight inches, if of concrete; the underpinning walls shall not be less than twelve inches thick if of stone and not less than eight inches thick, if of brick or concrete. For wooden buildings not over two and one-half stories in height, the foundation walls shall be not less than sixteen inches thick, if of stone, or twelve inches thick, if of brick, or less than ten inches thick,

if of concrete. The underpinning walls shall be not less than twelve inches thick, if of stone, nor less than eight inches thick if of brick or concrete. If stone walls are used in the basement of any such structure, as provided in this section, they shall be at least four inches thicker than the thickness prescribed for concrete and brick in the table set forth in Section 50. In every dwelling hereafter erected, the walls below ground level and the cellar or lowest floor shall be made damp proof to the satisfaction of the inspector.

Damp proofing

SECTION 47. All brick buildings shall have foundation walls built of stone, brick, concrete, iron or steel, and all such walls, if of stone or brick, shall be laid up with cement mortar. If built of rubble or block stone, they shall be not less than eighteen inches thick and not less than eight inches thicker than the wall next above them to a depth of six feet below the curb or ground level, and if built of brick shall be not less than four inches thicker, and if of concrete, not less than two inches thicker, than the wall next above them to a like depth below the curb or ground level. The thickness of all walls below said six feet shall be increased one inch for every foot or fraction thereof. Grillage beams of wrought iron or steel resting on a proper concrete bed may be used for foundations. Such beams shall be provided with separators and bolts, enclosed and filled between with concrete, and of such sizes and so arranged as to carry safely the load imposed.

Foundation walls for brick buildings

SECTION 48. Cement and lime mortar shall be made of one part of dry lime, one part of cement, and not more than three parts of sand to each. Cement mortar shall be made of cement and sand in the proportion of one part of cement and not more than three parts of sand, and shall be used immediately after being mixed. The cement and sand are to be measured and thoroughly mixed before adding water. All mortar below grade in masonry building shall be cement mortar, for all other masonry, cement and lime mortar may be

Mortar

Dry walls, when allowed

used, except as hereinafter next provided. Dry walls shall not be permitted, except stone foundation walls for houses of habitation less than three stories in height may be laid dry, provided one-third of the stones are bonded through wall.

Leading or bonded courses in brick walls

Ashlar facing

Progress of construction of walls limited

SECTION 49. In every brick wall, at least every seventh course of brick shall be a full heading course, except where walls are faced with face brick, in which case every seventh course shall be bonded with flemish headers, or every other brick may have a metal tie. All heading courses shall be of good, hard, perfect brick, Ashlar facing shall not be counted as a part of the thickness of masonry walls unless such facing has alternate courses at least eight inches deep and bonded into the backing, then four inches may be counted as a part of the wall. No brick wall faced with ashlar or other material shall be less than twelve inches thick. No wall or walls of any masonry building shall be carried up more than two stories in advance of any other wall.

Minimum thickness of brick or concrete wall in certain buildings

SECTION 50.* The minimum thickness for all outside, party and division brick or concrete walls above foundations, for tenement houses, asylums, club houses, convents, lodging houses, parish houses, schools and studios, shall not be less than the number of inches shown in the following table, except non-bearing division walls in tenement and dwelling houses may be four inches less in thickness, but in no case less than eight inches nor of greater height unsupported laterally than twenty-eight times its thickness. Fire walls shall in no case be less than twelve inches in thickness and solid throughout. In buildings where the first story is used for mercantile purposes and stories above used for habitation, the

*Amendment approved Nov. 7, 1927.

first and basement stories to be in accordance with Section 51, other stories in accordance with this section:

	B	1	2	3	4	5
1 story	12″	8″				
2 stories	12″	12″	8″			
3 stories	12″	12″	12″	8″		
4 stories	16″	12″	12″	12″	8″	
5 stories	20″	16″	12″	12″	12″	8″

Dwellings of the third class of two and one-half stories or less in height, and dwellings of the fourth class may be constructed of walls of wood with brick veneer or block construction of minimum thickness of four inches.

Minimum thickness of all outside walls in warehouse class

SECTION 51. The minimum thickness for all outside, party and division brick or concrete walls above the foundations of any building of the warehouse class shall not be less than the number of inches shown in the following table:

	B	1	2	3	4	5
1 story	12	12				
2 stories	16	12	12			
3 stories	16	16	12	12		
4 stories	20	16	16	12	12	
5 stories	20	20	16	16	12	12

Thickness of curtain walls

Curtain walls may be four inches less in thickness than shown in table above, but in no case less than eight inches, provided buttresses are installed at no greater distance apart than any one story. Buildings of this class outside of the fire limits not exceeding one story or twelve feet in height, which under this ordinance could be of wood, may have masonry walls eight inches thick. Hollow terra-cotta tile walls shall be the same minimum thickness as required for brick walls, but shall not be used for bearing walls in buildings over four stories in height. Other than herein pro-

Terra-cotta walls, when allowed

hibited, hollow terra-cotta tile walls may be used for bearing walls in all buildings, provided the stresses do not exceed those for brick walls.

Thickness of walls increased for certain heights of stories

SECTION 52. The height of stories for the thickness of walls given shall not exceed for the first story sixteen feet in the clear, for the second story fourteen feet in the clear, for the third story twelve feet in the clear, for the fourth story eleven feet in the clear; and if any story exceeds the foregoing height, the walls of any such story shall be increased four inches in thickness.

Minimum thickness of dividing walls in warehouse class

SECTION 53. For buildings in the warehouse class, twenty-six feet or less in width between walls or bearings, the minimum thickness in inches of all independent surrounding or dividing walls in the same, carrying the loads of floors shall not be less than specified in Section 51. When the above walls are used for party walls in non-fireproof buildings, the twelve-inch sections of the walls shall have corbeled ledges to carry the ends of the beams, or be increased in thickness to not less than sixteen inches, and the beams entering the walls shall be staggered. If the beams do not rest on corbeled edges, or are not so staggered, the twelve and sixteen inch sections of the wall shall be increased to not less than twenty inches. When used for party walls in fireproof buildings, no portion of the walls shall be less than sixteen inches in thickness.

Thickness of party wall in non-fireproof building

Walls to be anchored

SECTION 54. The front, rear, and party walls of any building hereafter erected, shall be anchored to each other every ten feet in their height by tie anchors, made of at least one and a quarter inch by three-eights of an inch wrought iron. The said anchors shall be built into the side or party walls not less than thirty-six inches; and into the front and rear walls at least one-half the thickness of the front and rear walls, so as to secure the front and rear walls

Construction of anchors

to the side and party walls. All party walls shall be carried up to a height of not less than two and one-half feet above the roof covering, with the full thickness of the party wall, and shall be capped with stone or iron, securely fastened; and where there is a flat, hip or pitch roof, the party wall shall be carried up to a height of not less than two and one-half feet above the roof covering, at every part of said roof, and shall be corbeled at least twelve inches, or into the outer edge of all projections on the front or rear walls of the buildings.

Height of party walls

SECTION 55. If it becomes desirable to cut a doorway through any party wall separating two buildings, a notice of the intention to do so shall be filed with the inspector. Said doorway shall be closed by two sets of self-closing wrought-iron or metal-covered fire doors, hung to rebated iron frames, and separated by the thickness of the wall. And whenever such doorway ceases to be used, it shall be immediately filled up with masonry.

Doorways in party walls

SECTION 56. No continuous vertical recess of more than four inches in depth shall be made in any twelve-inch party wall, and no recess of any kind shall be made in any eight-inch party wall. All such recesses shall be filled in solid at each floor level and five inches above.

Vertical recesses in party walls

SECTION 57. All piers shall be built of stone, or of hard, well-burnt brick, and laid in cement mortar well wet when laid. Isolated brick piers under all lintels, girders, iron or other columns shall have a cap-stone at least twelve inches thick, or plate of iron of sufficient bearing value to carry the load. For an external brick pier, the plate may be reduced sufficiently in size to allow four inches of brick-work to intervene between the edge or edges of the plate and the face or faces of the pier exposed to the weather. Columns supported by brick walls or piers shall rest upon an iron plate or upon a granite cap-stone at least twelve inches thick, of a size

Construction and size of piers

Base of columns

satisfactory to the inspector. Under metal columns, in all cases, there shall be an iron plate of sufficient bearing value to carry the load.

Walls in buildings over sixty feet deep

SECTION 58. In all buildings over sixty feet deep without a cross wall, of proper piers and buttresses, reinforcing the walls, the walls shall be increased in thickness four inches more than is specified for the thickness of the walls for every sixty feet in depth.

Thickness of walls for certain spans

SECTION 59. If the clear span between walls from wall to partition or bearing opposite is to be over twenty-six feet, then the bearing walls shall be increased four inches in thickness for every thirteen feet or fraction thereof that the said span is over twenty-six feet; or instead of increased thickness of walls, piers or buttresses may be incorporated in the walls to the satisfaction of the inspector.

Thicker walls if excess of openings

SECTION 60. If any horizontal section through any part of a bearing wall of any building shows an excess in area of flues and openings, the said bearing wall shall be increased in thickness to the satisfaction of the inspector.

Construction of fire and party walls

SECTION 61. Fire walls and party walls over fifteen feet high shall have parapet walls not less than eight inches in thickness and carried two feet above the roof unless otherwise provided in this chapter, but for warehouses, factories, stores, and other buildings used for commercial or manufacturing purposes, the parapet walls shall be not less than twelve inches in thickness.

Timbers entering party walls

SECTION 62. All roof and floor timbers of wood entering the same party or fire wall from opposite sides shall have at least four inches of solid brickwork between the sides or ends of said timbers, and have at least eight inches of brickwork beyond end of timbers.

Size and support of lintels

SECTION 63. All lintels used to support walls or other weights over openings, shall be of sufficient strength and bearing to carry the superimposed weight, and shall, where supported at the end by brick walls or piers, rest upon a steel plate of proper size and thickness to distribute the load.

No timbers in stone, etc. walls

No wooden lintels

Structural metals and columns to be protected

SECTION 64. No timber shall be used in any wall of any building where stone, brick or iron is commonly used. No wooden lintels for supporting masonry shall be allowed under any circumstances. All structural metal supporting masonry shall have protecting covering of brick, terra-cotta or concrete installed in an approved manner. Bottom of lintels shall have two-inch protection outstanding edges of plates and flanges one inch, webs two inches. All columns supporting masonry shall have at least two-inch protection, except columns located in show-windows of stores.

Certain buildings to be equipped with automatic sprinklers

SECTION 65. All new buildings exceeding two stories in height, to be used for manufacturing, storage or mill purposes, shall be equipped throughout with an automatic sprinkler system properly connected with an adequate water supply and shall have all sprinkler heads located and spread and spaced and all pipe sizes made to conform to the standards recommended by the National Board of Fire Underwriters.

Construction of chimneys

SECTION 66. All chimneys, whether within or without the fire limits, shall be built of brick, or other fireproof, incombustible material, and in no case shall rest upon any flooring without a footing of masonry or iron supported by iron beams, having a secure bearing of masonry or iron at either end. All chimneys shall be constructed with either eight-inch brick walls or with four-inch brick work and a terra-cotta flue lining set in cement. Brick chimneys shall be smoothly plastered with mortar on the outside below the roofing. In no case shall a nail be driven into the masonry of any flue. All flues shall be guarded by either a double collar of metal

or a recess, leaving two inches of space around the flue. No drain-pipe or earthenware of any description shall be used for horizontal flues, but all flues of this kind shall be made of iron pipe, the air space between the pipes to be not less than two inches. All flues shall be topped out at least four feet above the roof of the building and all chimneys shall be covered with a cap of metal, concrete or stone properly secured. No soft brick shall be used on the exterior above the roof or on the interior within four feet of the roofing in the construction of chimneys. No smoke-pipe or flue shall project through any external wall or through any window, door, or other opening in said wall, and no stove funnel shall project through any partition or floor unless the same is safely and securely surrounded by brick or stonework. Hearths or fireplaces or grates shall not be less than eight inches thick and shall be laid upon brick or other trimmed arches, or upon bars of iron supporting a bed of brickwork.

Construction of fireplaces

Funnel receivers built in chimneys

SECTION 67. All funnel receivers shall be built into the chimneys at the time of their construction. All chimneys shall have at their base an ash door, or some opening sufficient to enable them to be readily cleaned. If any chimney, flue or heating apparatus shall be dangerous or unsafe, the inspector shall at once notify, in writing, the owner, agent, or other party having an interest in said premises, and shall require him to make the same safe immediately. All woodwork shall be kept away at least two inches from any chimney.

Dangerous chimneys to be made safe, etc.

No chimneys to be erected or altered without notice to inspector

SECTION 68. No building shall be hereafter erected in which chimneys, boilers, or heating apparatus of any kind are used, or are to be erected and maintained, nor shall any alterations be made in chimneys or flues already erected, without notice to the inspector before such changes or alterations are commenced, and this provision shall apply to all buildings raised, removed, or built upon.

Construction of flues of ranges and boilers

SECTION 69. In all cases where ranges or boilers are set, the outside of the flue to the same shall be plastered on the outside directly upon the bricks up to the ceiling of the room, and no woodwork shall be placed on the outside thereof.

Ash receptacles

SECTION 70. Receptacles for ashes in the interior, or attached to the exterior of any building, shall be built of incombustible material throughout.

Inspector to be notified of installation or relocation of furnaces, etc.

SECTION 71. In all cases where hot water, steam, hot air, or other furnaces or ranges are hereafter placed, or their location changed in any building, due notice shall be first given to the inspector by the person or persons placing such furnace or range in said building.

Protection of woodwork from hot-air pipes, etc.

SECTION 72. No woodwork shall be placed at a less distance than one inch from any tin or other metal flue, or flues, pipe or pipes, used or intended to be used to convey heated air in any building, unless protected by a soapstone or earthen ring or tube, or metal casing so constructed as to permit the free circulation of air around said flues or pipes.

Egress in different classes of buildings

SECTION 73. All buildings shall have at least two means of egress leading from each floor, except as hereinafter provided, and except further that in fourth-class buildings there need be but one means of egress from the top floor, and in buildings of said class occupied and intended for use by only one family there need be but one means of egress from any floor.

Stairways in third class buildings to be fire-stopped

SECTION 74. Except as provided in Section 25, in all third-class buildings the stairways shall throughout be protected by the walls being lathed and plastered on studding or nogged or filled solid with terra-cotta, concrete or other in-

combustible material filled in between the wood construction, and the plastering in such staircase halls, including the soffits of stairs, shall be on metal lath.

Egress in manufacturing, storage, and mill buildings

SECTION 75. The means of egress and construction thereof, in every building used for manufacturing, storage, or mill purposes, shall be in accordance with the regulations of the Massachusetts District Police.

Bay windows in first or second class buildings

SECTION 76. Bay windows in first or second class buildings must be constructed entirely of fireproof materials.

Certain openings and portions of manufacturing buildings to be fireproof

SECTION 77. In any building intended or used for manufacturing, storage, or mill purposes, all opening in walls nearer than seven and one-half feet to the line of the adjoining lot or nearer than fifteen feet to any other building on the same lot shall be fitted with metal or metal-covered doors and frames, sash with windows of metal or metal-covered frames, and glazed with wire glass, and all portions of buildings so exposed shall be fireproof.

Certain window openings in certain buildings to be fireproof

SECTION 78. In buildings of first or second class construction not used in whole or in part for human habitation, all window openings, which are in a wall nearer than five feet to the line of an adjoining lot or nearer than ten feet to any other building on the same lot, shall have metal or metal-covered frames and doors or sash, and such sash shall be glazed with wire glass.

Interior fireproofing in fifth class buildings

SECTION 79.* In all buildings, exceeding one story in height, the first story of which is used for commercial, mercantile or manufacturing purposes, and above the first story as a place of public assembly, offices or habitation, shall have

*Amendment approved November 24, 1923.

all interior walls and ceilings of basement and first story plastered with Portland cement plaster applied on metal lath or sheet metal applied either on gypsum plaster boards or asbestos paper weighing not less than twenty pounds to the hundred square feet or gypsum wall board of single core type covered by fibered gypsum plaster pattern paper, said wall board shall be not less than three-eighths inch in thickness and weighing not less than two pounds per square foot and must be of a type approved by the National Board of Fire Underwriters.

Fire stops between furring and studding

SECTION 80. Spaces between and behind all furring on masonry walls shall be filled solid with brick and mortar or other incombustible material for a space of five inches in height above floor beams. Spaces between studding of all exterior walls other than masonry shall be stopped with similar material from the bottom of the floor beams to five inches above the top of same. Filling material may be supported on strips of wood nailed between the studding. Where walls are studded off, the space between the inside face of the wall and the studding shall be fire-stopped with fireproof material placed on the underside of the wood beams above for a depth of not less than four inches, and securely supported on the beams directly over the studded-off space shall be fire-stopped with not less than four inches of fire-proof material, which may be laid on boards cut in between the beams. The Inspector must be notified when any structure is ready for lathing.

Fire stops between floor beams and stair stringers

SECTION 81. Spaces between parts of the floor beams that rest upon bearing stud partitions shall be filled in solid with incombustible material to the depth of the beams, and where the partition continues above the floor, to a height of five inches above the tops of the beams. Spaces between stringers of stairs and beams of landings, unless unceiled or of fireproof construction shall be stopped solid with

wood, brick, or terra-cotta, or other approved material as often as twice to each flight of stairs. The various forms of construction tending to create or form air passages from one story to another, such as spaces around pipes, ventilating shafts or chimneys, shall have a fire and smoke stop at each floor, of incombustible material.

Vertical shafts to be fire-resisting

SECTION 82. All vertical shafts, whether for passage of merchandise, for heating or ventilating, for elevators, dumb waiters, lifts, or for light or air pipes, wires and other similar purposes, shall be constructed in such manner as to be fire-resisting throughout; if of other than first-class construction, spaces between any wooden studs or furrings must be filled solid with gypsum, cement, terra-cotta blocks, or any other incombustible material, in addition to which the inner surface must be plastered throughout with Portland cement plaster upon metal lath. All openings into such shafts must be protected by metal or metal-covered doors, shutters, or windows, and where glass is used in such openings, it must be wire glass. All clothes and dust chutes shall be lined with metal in addition to the above requirements for shafts.

Openings in said shafts

Heating apparatus to be protected against spread of fire

SECTION 83. Every furnace, boiler, or steam-heating apparatus shall be thoroughly protected against the spread of fire. If enclosed in a separate compartment the walls and ceilings shall be of Portland cement plaster upon metal lath throughout the whole room, or of fire-proof material. If the heating apparatus is placed in an undivided cellar, this fireproofing shall be required only on the ceiling. Such construction is required to be extended only over the boiler or heating apparatus itself and over a space of six feet outside the same in all directions. But if any wooden partitions are within six feet of said boiler and heating apparatus, such partitions shall be plastered with Portland cement plaster on metal lath.

Maximum floor areas

SECTION 84. (a) In all buildings other than first-class, not completely equipped with a system of automatic sprinklers, no single floor area between brick fire walls in a second-class building shall exceed seven thousand five hundred square feet, or in a mill frame building shall exceed five thousand square feet; with a full equipment of automatic sprinklers these areas may be increased sixty-six and two thirds per cent. No floor area shall be increased by cutting through a fire wall unless said opening is protected by two self-closing standard fire doors, one on each side of wall. No single opening shall be of greater width than eight feet, nor more than ten feet in height, and there shall be not less than two feet between top of opening and ceiling line. The combined width of all openings in any one wall on one floor shall not exceed fifty per cent of the length of wall.

Opening in floors

(b) Except as above provided, the floor surface shall not be in excess of the following areas:

Third class, three thousand square feet.

Fourth class, within fire limits, two thousand square feet.

Fifth class, one family, one thousand five hundred square feet; more than one family, three thousand square feet.

Determination of size and strength of material

SECTION 85. The required dimensions of each piece of material and each form of construction to be used in buildings and allowed fibre stresses shall be computed according to rules prescribed by recognized modern authorities, and shall be used in all buildings hereinafter erected except as hereinafter provided.

Support of roof and floor timbers

SECTION 86. (a) All roofs or floor timbers entering the same party wall from opposite sides shall have at least four inches of solid brickwork between the ends of said timbers.

(b) All floor and roof timbers in mill construction shall rest on iron column caps and self-releasing when supported by masonry walls.

(c) Every floor in second-class buildings shall have its beams tied to walls and to each other with wrought iron straps or anchors at least three-eights of an inch thick by one and one-half inches wide, and not less than eighteen inches long, so as to form continuous ties across the building not more than ten feet apart. Walls running parallel or nearly parallel with floor beams shall be properly tied every ten feet with straps or anchors as above specified.

(d) Every wooden header or trimmer more than four feet long shall be carried on metal hangers or mortised and pinned.

Cutting of timbers, when allowed

(e) No floor timber shall be cut at a greater distance than three feet from support, nor more than one and one-half inches deep on the upper edge unless approved by the inspector. Cutting on the under side shall not be allowed.

(f) No main partition timber, girder or tie beam, of any kind, shall be allowed to be cut for any reason.

Sizes of timbers in fourth class construction

(g) No fourth class structure shall have sills of timber smaller than four by six inches, posts or girts than four by six inches; girders, six by eight; plate, four by four inches; ledger boards, one by seven inches. Posts shall not exceed twenty-one feet in length and not over fifteen feet apart, braced at each story. Studs in outside walls shall be not less than two by four inches, set sixteen inches on centers; window studding shall not be less than three by four inches, all openings five feet or more in width shall be trussed. Interior bearing partitions shall have studs not less than two by four inches, set sixteen inches on centers, bridged double at all openings, and trussed over and set directly on girder or caps. Floor timbers shall be bridged every eight feet of span. No floor timbers shall be sized to a greater depth than one inch.

Floors and stairs to be constructed to sustain specified live loads

SECTION 87. All floor and stairs shall be so constructed as to carry safely the weight to which the proposed use of the building may subject them, and every permit granted shall state for what purpose the building is designed to be used, but the least capacity per superficial square foot, exclusive of materials, shall be:

For floors of houses of habitation, fifty pounds. Rooms in tenement or lodging houses and hotels exceeding five hundred square feet, one hundred pounds.

For floors of assembly halls, one hundred pounds.

For floors of dance halls, one hundred pounds.

For floors of school rooms, fifty pounds, except floors of assembly rooms or halls, one hundred pounds.

For floors of light manufacturing, light storage, and light mercantile, one hundred and twenty-five pounds.

For floors of offices above first floor, eighty pounds; first floor, one hundred pounds.

For floors of heavy warehouses or mercantile, two hundred pounds.

For stairways, seventy-five pounds.

For flat roofs, forty pounds.

For floors of public garages, one hundred and fifty pounds.

For buildings not included in the above table, the inspector shall establish allowable live loads.

The full floor load specified in this section shall be included in proportioning all parts of buildings designed for warehouses or for heavy mercantile and manufacturing purposes. In other buildings, however, reductions may be allowed as follows:

Reduction of live loads for certain girders, columns, etc.

For girders carrying more than one hundred square feet or floor, the live load may be reduced ten per cent.

For columns, piers, walls and other parts carrying two floors, a reduction of fifteen per cent of the total live load may be made; where three floors are carried, the total live load may be reduced by twenty per cent; four floors, twenty-five per cent; five floors, thirty per cent.

Roof covering

SECTION 88. All roofs must be covered with slate, tile, terra-cotta, metal, or other material which may be designated by the National Board of Fire Underwriters as Class A or Class B or Class C, excluding roof covering in roll form in the last mentioned class, and have incombustible ridge and hip coverings, provided, however, on repair work a roof may be covered with fire-resisting material satisfactory to the inspector, if, in his opinion, the design of said roof is such that a lightweight covering is necessary. All gutters shall be of metal, except that on ordinary frame buildings wooden gutters may be used if lined with twelve-ounce copper.

Gutters

No wooden construction above roof except

SECTION 89. No wooden construction, unless protected by an incombustible covering, shall be allowed above the roof of any structure, except as provided in the following section.

Dormer windows

SECTION 90. All dormer windows shall be covered with incombustible material throughout. Dormer windows in roofs of second-class buildings may be constructed with wooden walls, but must be covered throughout with incombustible material and have metal or incombustible cornices. Dormer windows in buildings of first-class construction must be of first-class construction throughout.

Skylights

SECTION 91. All skylight frames shall be of metal or metal covered.

Finish about doors and windows

SECTION 92. The finish about doors and windows, also porches and piazzas, may be constructed of and finished in wood, but the roofs of such covered piazzas or porches shall be as specified for the main roofs of houses; provided, however, that roofs of existing porches and piazzas, or the roofs or porches or piazzas which may be added to existing buildings, may be covered with fire-resisting material satisfactory to the inspector.

Piazza roofs

Certain buildings to have leaders to conduct water from roof

SECTION 93. All buildings hereafter erected within eignt feet of any street or traveled way, shall be provided with suitable leaders for conducting the water from the roof to the ground, and in no case shall such water be allowed to flow upon or across the surface of the sidewalk to the street, gutter or sewer. No person shall permit a leader or conductor from the roof of a building owned by him, to be so placed or maintained as to direct a volume of water upon or across the surface of the sidewalk.

Snow guards

SECTION 94. All buildings hereafter erected upon the line or within five feet of the line, of any street or public way, and having a pitch roof sloping towards said street or way, shall be provided with suitable snow guards or barriers upon said roof, sufficient to prevent snow or ice sliding therefrom.

No wooden buildings other than a dwelling to be erected in fire limits

SECTION 95. No wooden or frame building, other than a dwelling, shall hereafter be erected within the fire limits. Such buildings must be of the fourth class or of fifth class construction or of third class construction, if not over two and one-half stories high and accommodating not more than four families, and having wood stud partitions between each suite covered on both sides with metal-lath and hard plaster or other equally incombustible material; provided, however, no such building shall cover an area of more than two thousand square feet.

Wooden dwellings, now in or hereafter erected within the fire limits, may be added to, altered repaired, raised, roofed, enlarged or built upon, providing the new portions comply with the provisions for new buildings. If the doing of the above work produces a practically new building, or will result in a change in the classification of the building, then the whole work shall be made to conform to the requirements of this ordinance for a new building of a like class.

Alterations, etc., of wooden buildings in fire limits

No wooden buildings, other than dwellings, now within the fire limits, may be added to, altered, repaired, raised, roofed, enlarged or built upon, unless the new portions shall in all respects conform with the requirements of either first or second class construction; provided, however, the external walls of such buildings shall not be recovered except with a non-combustible material satisfactory to the inspector.

Council to be notified if building within ten feet of street line

SECTION 96. Whenever the inspector receives notice of th intention to erect any building or alter the external walls of any building within the fire limits, within ten feet of the line of any street, he shall forthwith notify the city council thereof, in order that any encroachment or other injury to the street may be prevented, and so that steps may be taken to widen or improve such streets if deemed desirable.

Moving of wooden buildings within fire limits

SECTION 97. No wooden or frame building which exceeds eighteen feet in height shall be removed from within or without said fire limits to any location within said limits, except with the consent of the city council, and provided further, that the construction of such building after its removal shall conform to the requirements for similar buildings to be erected within the fire limits.

Building not to project over street line except

SECTION 98. No person shall build any portico, porch, bay window, balcony, or other projection over the line of any street or way, except that if the building is three or more stories in height, the cornice and belt courses may project over said line as follows: Cornices on such buildings may project over a public street or way not to exceed two feet. Such cornice shall be built entirely of incombustible material and be strongly supported. All belt courses on such buildings, when located at least twelve feet above the sidewalk level, may project over a public way or street not to exceed twelve inches and to be entirely of incombustible material.

Alterations, etc., of certain buildings

SECTION 99. (a) Frame or other buildings may be altered, extended, raised or repaired, providing the new portions comply with provisions for new buildings, and if, when done, will produce a practically new building, or the building has been changed, then the whole building shall be made to conform to the requirements of this ordinance for a new building of a like class.

Opening in walls of frame buildings

(b) Walls of existing frame buildings within five feet of lot lines may be pierced with openings of wood construction.

Thickness of walls prescribed where building increased in height

(c) When it is proposed to increase the height of any existing masonry building, the thickness of all masonry walls shall conform to the requirements of this ordinance. If the thickness of walls are such that they must be increased by additional brickwork or masonry, the combined thickness of old and new work shall not be less than four inches more than the required thickness for a new wall of same height; the additional thickness shall not be less than eight inches, and shall rest on and be supported by suitable foundations; it shall be thoroughly bonded into old work after same has been cleaned of old plaster or other covering and well soaked with water.

Certain damaged buildings not to be rebuilt except

SECTION 100. Whenever any building other than a dwelling shall, in the opinion of the inspector, be damaged by fire or other cause to an amount exceeding fifty per cent of its value, it shall not be rebuilt except in accordance with this ordinance.

License required for furnaces for melting iron or making glass, and stationary steam boilers

SECTION 101. No furnace for melting iron or making glass nor stationary steam engine for use in a mill for planing or sawing boards or turning wood or in which other fuel than coal is used to create steam, shall be erected without a license first having been obtained from the city council, provided, however, that no such license shall be required for such an engine unless the same is to be erected within five

hundred feet of a dwelling house or public building. Such license shall prescribe the place in which the steam engine or furnace is to be used, and shall contain such regulations as to the height of flues and protection against fire as the city council may deem necessary for the safety of the neighborhood. Upon written application for such license, the city council shall assign a time and place for a hearing upon such application, and cause at least fourteen days' public notice thereof to be given at the expense of the applicant, in such manner as they may order.

Gas mains to be equipped with shut-offs

SECTION 102. A gas company whose main enters any building shall equip such main with a shut-off placed outside of the foundation walls. The type of shut-off and the location of the same shall be satisfactory to the inspector.

Construction of buildings used for picking rags, etc.

SECTION 103. No building shall be used for the purpose of picking, sorting or storage or rags, waste paper or paper stock unless such building is of first or second class construction. All window openings shall have metal frames, sashes and glazed with wire glass. All doors and frames shall be of metal or metal-covered. Ceilings in second class construction shall be covered with metal lath and cement plaster not less than three-quarters of an inch in thickness. There shall be no exposed woodwork of any sort in the interior of the building.

Additional requirements may be prescribed

SECTION 104. The city council may prescribe additional requirements for any building to be erected, where the safety of life or property or the public health is involved. Special requirements will also be made for buildings intended for places of assembly of any sort, or for the storage or sale of imflammable materials, or for installation of bakeries, garbage or ash receptacles, or other special construction.

Permit to occupy street for building purposes

SECTION 105. Whoever desires to occupy or use a portion of the street or way for the erection, alteration, repair or removal of a building upon land abutting thereon, shall make application to the inspector, who, subject to the consent of the superintendent of streets, may grant permits for the occupation or use, for building purposes, of such portions of streets and ways, and for such periods of time, and under such limitations and restrictions as may be required by ordinance or by public convenience; and any such permit may be revoked by said inspector at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of said inspector, the public good requires such revocation. No part of a street or way other than that so allotted shall be used for depositing materials for work to be done or for receiving rubbish arising from such work, and all such rubbish shall be carried away by the person or persons to whom the permit is granted, at such convenient times as the superintendent of streets may direct, and in case of the neglect or refusal of such person or persons so to remove such rubbish, it shall be removed at their expense by the superintendent of streets.

Fence to be erected and lanterns to be placed and kept alight where street occupied for building purposes

SECTION 106. When such permit is granted, the portion of a street thereby allotted shall be enclosed with a sufficient fence, not less than four feet high, and as much higher as the inspector shall direct, and such fence shall be maintained during the whole time for which the occupation of such portion of the street continues, and until all liability to accident from falling material ceases, and a lighted lantern or lanterns, or other proper and sufficient lights, shall be attached to some part or parts of such fence, and shall be placed over or near all building materials or rubbish which of necessity are allowed to remain in any street or way over night; said lanterns or lights shall be kept lighted from sunset to sunrise every night that such fence, materials or rubbish remain in such street or way.

Penalty for extinguishing lantern

SECTION 107. Whoever maliciously or wantonly, and without legal cause, extinguishes or diminishes a light fixed in accordance with the provisions of the preceding section shall be liable to a penalty of not less than ten nor more than twenty dollars.

Builders occupying street to provide safe passage for public

SECTION 108. Whoever is duly licensed or premitted to occupy a part of the street, while erecting or repairing a building, or making an excavation, or for any other purpose, shall provide a safe and convenient passage for public travel around or over the obstruction so caused; shall be responsible to the city for all injuries sustained in consequence of his neglect so to do, and shall be liable to a penalty of not less than ten or more than twenty dollars for each offense; and he shall at any time, when required by the superintendent of streets or by a police officer, exhibit his license or permit for such occupation.

Penalty

SECTION 109. Whoever violates any of the provisions of this ordinance shall be liable to a penalty not exceeding one hundred dollars for each violation thereof, unless another penalty is herein specifically provided.

AMENDMENT TO BUILDING ORDINANCE

In the year one thousand nine hundred and twenty-eight. An Ordinance to amend an Ordinance relating to Buildings. Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1. Two and one-half story houses existing at the time this ordinance is passed may be changed and adapted subject to the provisions of the zoning ordinance as amended for the use of three families provided that said buildings have posts that are at least twenty-one feet in length measuring from the top of the sill to the top of the plate; and provided further that where the cubical contents of that part of the third floor to be occupied for living purposes exclusive of blind attics is not equal to at least sixty-five per cent of the cubical contents of either of the lower floors, dormer windows shall be required to bring such contents to at least this amount. The cubical contents of the lower floors shall be determined by multiplying the square-foot area within the exterior walls of said floor by eight feet. In figuring the cubical area of the third story the line of the exterior walls must be figured on the basis of no less than a vertical height of two and one-half feet from the finished floor line to the intersection of the slope of the finished ceiling. All rooms to be occupied for living purposes above the second floor shall be at least seven and one-half feet in height from the finished floor to the finished ceiling in at least one-half the area of said rooms excluding from said measurement any blind attic. Permits for such alterations of existing houses shall be obtained before December 1, 1928 and such alterations shall be completed to the satisfaction of the building inspector on or before May 1, 1929.

SECTION 2. Two and one-half story houses existing at the time this ordinance is passed and occupied by two families upon the ground floor and two families upon the second floor may be changed and adapted subject to the provisions of the zoning ordinance as amended for the use of six families, provided that said buildings have posts that are at least twenty-one feet in length measuring from the top of the sill to the top of the plate; and provided further that where the cubical contents of that part of the third floor to be occupied for living purposes exclusive of blind attics is not equal to at least sixty-five per cent of the cubical contents of either of the lower floors dormer windows shall be required to bring such contents to at least this amount. The cubical contents of the lower floors shall be determined by multiplying the square-foot area within the exterior walls of said floor by eight feet. In figuring the cubical area of the third story the line of the exterior walls must be figured on the basis of no less than a vertical height of two and one-half feet from the finished floor line to the intersection of the slope of the finished ceiling. All rooms to be occupied for living purposes above the second floor shall be at least seven and one-half feet in height from the finished floor to the finished ceiling in at least one-half the area of said rooms excluding from said measurement any blind attic. Permits for such alterations of existing houses shall be obtained before December 1, 1928 and such alterations shall be completed to the satisfaction of the building inspector on or before May 1, 1929.

SECTION 3. Subject to the provisions of the zoning ordinance as amended, two and one-half story houses may be erected for the occupation of three families provided that said buildings have posts that are not less and not more than twenty-three feet in length measuring from the top of the sill to the top of the plate, the plate to be not more than four feet above third floor level; and provided further that where the cubical contents of that part of the third floor

to be occupied for living purposes exclusive of blind attics is not equal to at least seventy-five per cent of the cubical contents of either of the lower floors dormer windows shall be required to bring such contents to at least this amount. The cubical contents of the lower floors shall be determined by multiplying the square-foot area within the exterior walls of said floor by eight feet. In figuring the cubical area of the third story the line of the exterior walls must be figured on the basis of no less than a vertical height of two and one-half feet from the finished floor line to the intersection of the slope of the finished ceiling. All rooms to be occupied for living purposes above the second floor shall be at least seven and one-half feet in height from the finished floor to the finished ceiling in at least one-half the area of said rooms excluding from said measurement any blind attic. Permits for such alterations or existing houses shall be obtained before January 1, 1929 and such alterations shall be completed to the satisfaction of the building inspector on or before June 1, 1929.

SECTION 4. All alterations and construction of two and one-half story houses for the occupation of more than two families shall comply with the provisions of the building ordinances of the City of Salem as amended, not inconsistent herewith and in all buildings of which any floor above the second floor is occupied for residential purposes there shall be provided at least two means of egress for each family living above said second floor from any such occupied floor to the ground floor, which means of egress shall be not less than ten feet apart at every point, provided, however, that in existing stairways nearer than ten feet, they must be enclosed with metal lath and plaster partitions.

SECTION 5. It shall be the duty of the inspector of buildings of Salem to inspect from time to time existing buildings within the city to determine whether the constructions and occupancies thereof are in accordance with the ordinances and he shall report his findings to the mayor.

SECTION 6. The inspector of plumbing, before issuing a license for the installation of plumbing in a dwelling house, shall confer with the inspector of buildings and if in the opinion of the inspector of buildings the construction or use of the building in which the plumbing is contemplated will be in violation of the city ordinances the inspector of plumbing shall refuse to issue a plumbing permit.

SECTION 7. All building ordinances or parts of building ordinances contained in Chapter 5 of the city ordinances inconsistent herewith are hereby repealed.

SECTION 8. This ordinance shall take effect as provided by the City Charter.

Approved March 30, 1928.

CHAPTER VI.

BURIAL OF THE DEAD

Undertakers, by whom licensed

SECTION 1. The board of health shall, on or before the first day of May in each year, license a suitable number of undertakers, who can read and write the English language, to take charge of the funeral rites preliminary to the interment of a human body. Such license shall be issued upon such terms and conditions as said board may prescribe and may be revoked for violation of such terms and conditions or the violation of any requirements of law relative thereto.

Burial or removal of body not permitted until certificate has been given

SECTION 2. No undertaker, or other person shall bury in this city, the remains of a person who has died in this commonwealth, or remove from the city a human body, which has not been buried, until he has received a permit so to do from the board of health or its agent appointed to issue such permits. No such permit shall be issued until there has been delivered to such board or agent, a satisfactory written statement containing the facts required by law to be returned and recorded, together with the certificate of the attending physician, if any, as required by section four of this ordinance, or in lieu thereof, a certificate as hereinafter provided. If there is no attending physician, or if the certificate of the attending physician cannot be obtained for good and sufficient reasons, early enough for the purpose, or is insufficient, a physician who is a member of the said board, or a physician employed by it, shall make such a certificate as is required of the attending physician; and in case of death by violence the medical examiner shall make the same. When such satisfactory statement and certificate are delivered to the board of health or its agent, the board or agent shall forthwith countersign and transmit the same to the city clerk for reg-

istration. The person to whom the permit is so given and the physician certifying the cause of death shall thereafter furnish for registration any other information as to the deceased or to the manner and cause of the death, as the city clerk may require. No undertaker or other person shall exhume a human body and remove it from the city, or from one cemetery to another, until he has received a permit from said board or his agent aforesaid or from the city clerk. Any person violating any of the provisions of this section shall be punished by a fine not exceeding fifty dollars as provided by statute.

Penalty

Fee

SECTION 3. The person making the return specified in the preceding section shall receive from the city the fee of twenty-five cents therefor. All such returns shall be preserved by the city clerk and filed, arranged and indexed conveniently for examination and reference.

Physician to furnish certificate

SECTION 4. A physician who has attended a person during his last illness shall, at the request of an undertaker or other authorized person or any member of the family of the deceased, furnish for registration, a certificate stating, to the best of his knowledge and belief, the name of the deceased, the age, the disease causing death, the duration of the last sickness, and the date of the decease; and a physician who has attended at the birth of a child dying immediately thereafter, or at the birth of a stillborn child, shall, when requested, forthwith furnish for registration a certificate, stating to the best of his knowledge and belief the fact that such child died after birth or was born dead. If a physician neglects or refuses to make a certificate as aforesaid, or makes a false statement therein, he shall be punished by a fine not exceeding fifty dollars as provided by statute.

Penalty

Certificate to give primary causes of death of soldiers and sailors

SECTION 5. A physician who has attended a person in his last illness, in furnishing a certificate for the purposes of registration as required by section four of this ordinance, shall, in case the deceased was a soldier or sailor who served in the war of the rebellion, give both the primary and the secondary or immediate cause of death as nearly as he can state the same. If a physician refuses or neglects to make such certificate he shall forfeit to the treasurer the sum of ten dollars for the use of the city.

Penalty

Board of health may make regulations concerning burial grounds and interments. May close any tomb or burial place

SECTION 6. The board of health may, if in their opinion the public health requires it, close any tomb, burial ground, cemetery or other place of burial in the city, for such length of time as they may deem necessary for the protection of the public health; may make all regulations which they judge necessary concerning burial grounds and interments within their respective limits, and may establish penalties not exceeding one hundred dollars for any breach of such regulations as provided by statute. Notice of such regulations shall be given by publishing the same in a newspaper published in the city. Before a tomb, burial ground, or cemetery is closed by order of said board of health for a time longer than one month, notice and a public hearing thereon shall be given as provided by law.

Removal of remains of persons who have died of dangerous diseases

SECTION 7. No railroad corporation, or other common carrier or person, shall convey or cause to be conveyed, through or from the city, the remains of any person who has died of smallpox, scarlet fever, diphtheria, or typhoid fever, until such body has been so encased and prepared as to preclude any danger of communicating the disease to others by its transportation; and no permit shall be given for the removal of such body until the board of health or their agent has signed a certificate, stating the cause of death, and that said body has been prepared in the manner set forth in this section, which certificate shall be delivered to the agent or person who receives the body. Any person violating the

Penalty

provisions of this section shall be punished by fine not exceeding twenty-five dollars, as provided by statute.

Destroying, injuring, or removing tomb, memorial of dead, etc.

SECTION 8. Whoever wilfully destroys, mutilates, defaces, injures, or removes a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or ornament of a tomb, monument, gravestone, or other structure before mentioned, or of an enclosure for the burial of the dead, or wilfully destroys, mutilates, removes, cuts, breaks, or injures a tree, shrub, or plant placed or being within such enclosure, or wantonly or maliciously disturbs the contents of a tomb or grave, shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the jail or house of correction not exceeding three years as provided by statute.

Penalty

Desecration of burial ground

SECTION 9. Whoever wrongfully, and by any act not included in the provisions of the preceding section, destroys, injures, or removes a building, fence, railing, or other thing lawfully erected in or around a place of burial or cemetery, on a tree, shrub, or plant situated within its limits, or wrongfully injures a walk or path, or places rubbish or offensive matter or commits a nuisance therein, or in any way desecrates or disfigures the same, shall forfeit for every such offence not less than five dollars nor more than one hundred dollars as provided by statute.

Penalty

City treasurer may receive funds for preservation and care of burial lots

SECTION 10. The city treasurer may receive, hold, and apply any funds, moneys or securities, for the purpose of providing for the preservation, care, improvement, or embellishing of any public or private burial place in this city, or burial lots located in the same. The sum thus received shall be entered upon the books of the city treasurer. The said sum shall be invested in such manner as the committee on finance may designate. The public property department shall have the care of such lots and places, and shall from

time to time expend so much of the income as may be necessary for the purposes for which said sum was deposited.

Fees for digging graves payable in advance

SECTION 11. All persons making application to the public property department for digging graves shall, before such work shall be performed, pay to the city treasurer the fee established for the same.

Charge for care of lot payable in advance

SECTION 12. No lot or part of lot in any public cemetery shall be cared for by the public property department until the annual charge for such care shall have been paid, together with any charge for like service which may be outstanding.

Statement of amount required for care of lot to be mailed annually

SECTION 13. The public property department shall annually, on or before April 15th, mail to all persons whose lots have been cared for during the previous years, also to all purchasers of lots during the preceding six months, a printed copy of the preceding section, together with a statement of the amount required to be paid for such care during the current season.

Use of income from the sale of lots in Greenlawn Cemetery

SECTION 14. The proceeds of all sales of lots or portions of lots in Greenlawn Cemetery shall be received by the city treasurer and credited to a separate account and shall be appropriated and used in accordance with the provisions of the statutes.

CHAPTER VII.

CITY CLERK.

City clerk, appointment of

Vacancy

SECTION 1. The city council shall, by a majority vote, elect a city clerk to hold office for the term of three years and until his successor is qualified. In case of vacancy in the office of city clerk or any disability of such clerk to perform the duties required by law or ordinance, the assistant city clerk shall perform such duties and in the absence of both, the city council may appoint a city clerk pro tempore, who shall be sworn and perform such duties, but shall hold the office only until such vacancy is filled by the city council or until such disability ceases to exist.

Assistant city clerk

SECTION 2. The city clerk shall appoint an assistant city clerk. The assistant city clerk shall be sworn to the faithful discharge of the duties of the office and may be removed at any time by the city clerk.

Compensation

Payment of moneys

SECTION 3. The city clerk shall receive such compensation for his services as shall be determined by the city council, and the same shall be deemed to include and to be in full for all services rendered by him to the city as such clerk. He shall, on the first day of each month, pay to the city treasurer all moneys received by him during the preceding month for fees and licenses (except for dog licenses) taking the treasurer's receipt therefor. He may appoint or remove any assistant in his office.

Duties

SECTION 4. The city clerk shall be clerk of the city council, and shall perform such duties as it may prescribe. He shall attend all its meetings, and keep a record thereof. In case of his absence, the assistant city clerk shall perform

such duties, and if both are absent, then the city council may appoint a clerk pro tempore for any meeting.

Duties of assistant clerk

SECTION 5. It shall be the duty of the assistant city clerk to assist the city clerk in the performance of the duties of his office and in the absence of the city clerk to certify and attest all documents requiring to be certified or attested, and also to perform all duties pertaining to the office when the office of the city clerk shall be vacant from any cause.

Custody of records

SECTION 6. The city clerk shall have the care and custody of the city records and of all documents, maps, plans and papers of the city, respecting the care and custody of which no other provision is made. He shall keep all records and documents belonging to his office in his sole custody, and shall in no case, except upon summons in due form of law or when temporary removal of records and documents in his custody is necessary or convenient for the transaction of the business of the courts or the performance of the duties of his office, cause or permit any record or document to be removed therefrom.

Copy, etc., of records

SECTION 7. The city clerk may cause any of the public records and papers in his office to be copied, arranged and indexed, conveniently for examination and reference, whenever in his opinion the same may be necessary, and the expense thereof shall be paid by the city.

Office hours

SECTION 8. The office of the city clerk shall be open every week day, except Saturdays and holidays, from eight thirty o'clock in the forenoon until four in the afternoon, and on Saturdays from eight thirty o'clock in the forenoon until one o'clock in the afternoon.

Bond of city clerk

SECTION 9. The city clerk shall give a bond for the faithful performance of the duties of his office in the sum of one thousand dollars to be approved by the city council and from a surety company satisfactory to said council.

CHAPTER VIII.

CITY ENGINEER.

Appointment and powers of city engineer

SECTION 1. The mayor shall annually, in the month of February, and subject to the confirmation by the city council, appoint a city engineer who shall hold office until the first day of March of the succeeding year, and until his successor is appointed and qualified. He shall have full control of the department of public works, which is hereby established, and shall appoint, subject to the approval of the city council, persons qualified by training and experience to be superintendent of streets and superintendent of water works. He shall devote his entire time to the business of the city and shall receive such compensation for all services rendered as may be fixed by the city council.

Head of public works department

Compensation

To have supervision over dept. of public works

SECTION 2. The city engineer shall exercise a general supervision over all matters within the department of public works and shall be consulted in relation to public improvements of every kind. He shall have charge of all plans of streets, sewers, and structures of every kind, not especially belonging to another department, and shall keep the same properly classified and indexed. He may make such rules and regulations as he may deem necessary to insure the safety of such plans, providing the same be approved by the city council.

To have charge of plans

General duties

SECTION 3. Unless other provision is expressly made, he shall have the supervision of all public works of the city which properly come under the direction of a civil engineer; shall perform all engineering services, make all examinations, and prepare all statements, plans, and specifications, which any department or board may require in the discharge of its

duties; and shall, when required by the mayor or the city council, measure all work done for the city by contract, and certify the result of such measurements. He shall perform such other duties as may be required of him from time to time by the city council.

To make plans, etc., of proposed streets, etc.

SECTION 4. He shall make all such surveys, plans, profiles, estimates and descriptions, relating to the laying out, widening, extending and grading of streets and the establishing of correct lines for the same, as may from time to time be required of him by the mayor, or the city council or any committee thereof; and he shall give to all applicants, so far as the files and records of his office will permit, any information as to the lines and grades of streets on which their estates are situated, or upon which they intend to build, free of charge.

Duties not to conflict with those of other officers

SECTION 5. Nothing in the preceding section shall be so construed as to authorize the city engineer to interfere in any way with existing departments or boards or officers, or with any which may be hereafter established, whose duties may be clearly defined by ordinance or by statute.

Sprinkling of streets

SECTION 6. The city may, under the supervision of the city engineer, sprinkle or spread upon its streets, or parts thereof, any liquid or material suitable for laying or preventing dust and preserving the surface of such ways or for sanitary purposes. The city council shall determine what part of the cost thereof shall be borne by the abuttors and such part shall be assessed upon the estates abutting on such streets, or portions of such streets, in proportion to the number of linear feet of each estate upon such streets, or portion thereof, so sprinkled. The amount of such assessments upon each estate shall be determined by the superintendent of streets, who shall, as soon as may be, after the first day of April, cause a list of such streets or portions

thereof to be made, specifying each estate and the number of linear feet thereof abutting thereon, the amount per linear feet, and the amount on each estate of such assessment, and certify and commit said list to the assessors. The assessors shall include the same in the next tax bill issued for an annual tax on such estate, and the same shall be a lien upon each such estate and shall be considered as constituting a part of, and shall be levied, collected and paid or abated in the same manner as the taxes on real estate.

Annual report

SECTION 7. The city engineer shall annually on the first day of February make to the city council a report in relation to his department, showing the nature of the work performed by him during the year, the property under his charge, the condition of all structures or other work under his supervision, the expenses of his department, and such other general information as he may deem to be of interest to the public.

CHAPTER IX.

CITY MESSENGER.

Appointment of messenger

SECTION 1. The mayor, subject to confirmation by the city council, shall appoint a city messenger, who shall hold office until another is appointed in his place. His compensation shall be determined by the city council.

Duties

SECTION 2. The city messenger shall attend all meetings of the city council. He shall deliver all messages, notifications, and other papers and documents, when thereto directed by the city council, or the president thereof, or by the city clerk, and shall perform such other services as shall be required of him by the city council.

Care of City Hall

SECTION 3. The city messenger shall, under the supervision of the mayor, have the general care and custody of the city hall, and of the various apartments thereof, except as to repairs and alterations; shall keep the same clean and in good order, and see that they are properly warmed and lighted. He shall also have the care, custody and distribution of all city documents, books and papers.

Care and distribution of city documents

City messenger shall appoint janitor

SECTION 4. The city messenger shall appoint a person to serve as janitor of City Hall, who shall be under the direction and control of said city messenger, and whose duties shall be to keep all rooms, halls, passageways and the cellar clean and in good order, and perform such additional duties as the city messenger shall from time to time require. The cleaning of said rooms, halls and passageways is to be done at such time or times as the city messenger may determine.

Care of Council Chamber

SECTION 5. No person or persons shall use the council chamber in the City Hall without permission of the city council.

CHAPTER X.

THE APPOINTMENT AND DUTIES OF CITY OFFICERS.

Appointment of purchasing agent

Duties

SECTION 1. The mayor shall annually in January, subject to the confirmation of the city council, appoint a purchasing agent for the term of one year, beginning with the first day of February succeeding his appointment, and until his successor is appointed and qualified, unless sooner removed. He shall have charge of the purchasing department, which is hereby established, and shall purchase all supplies for the city, or any department thereof, except in case of emergency; but all purchases or contracts for purchase exceeding two hundred dollars in amount shall be based upon competition. The purchasing agent shall sell all supplies or materials, whether new or old, which are not needed by the city or any department thereof, and if the value of said materials or supplies exceeds the sum of one hundred dollars, then the sale of the same shall be based upon competition. He shall keep a record of the prices paid for all materials and supplies, which shall be open to the inspection of any citizen. The purchasing agent shall have the power of appointment and removal of his assistants and agents.

Registrars of voters and election officers

SECTION 2. The mayor, with the approval of the city council, shall annually, in the month of February or March, appoint a registrar of voters, who shall hold office for the term of three years beginning with the first day of April next ensuing, and until his successor is appointed and qualified. The city clerk shall be a member of the board of registrars. The registrars may appoint assistant registrars for the term of one year, beginning with April first, unless

sooner removed by the registrars, and they shall, as nearly as may be, equally represent the different political parties. A vacancy shall be filled by the registrars for the remainder of the term in which the vacancy occurs. The registrars and assistant registrars shall perform the duties imposed upon them by law and shall receive such compensation for their services as the city council may determine.

Election officers, appointment of

SECTION 3.* The mayor shall annually appoint as election officers for each voting precinct, one warden, one clerk, and four inspectors, who shall at the time of their appointment be qualified voters in the ward of which such precinct forms a part. Every such nomination shall be filed in the office of the city clerk not earlier than June fifteenth and not later than August fifteenth, and shall be acted upon by the city council in not less than three days after the filing of such appointment and on or before September first following. Such appointment shall be open to public inspection. Every election officer shall hold office for one year beginning with the first day of September, succeeding his appointment, and until his successor is qualified or until his removal. Such election officers shall represent the two leading political parties as provided by statute and shall have such power and authority as prescribed by law. Their compensation shall be fixed by the city council.

Appointment of clerk of committees

SECTION 4. The city council shall annually, in the month of January, elect a competent person to serve as clerk of committees. He shall hold office for the term of one year from the first day of February next succeeding his election, or until his successor has been elected. He shall act as clerk of all committees of the city council, except the committee on military aid and except as otherwise provided by ordinance or order of the city council. He shall receive such compensation as may be determined by the city council.

Duties

*Amendment approved March 16, 1929.

Mayor may appoint secretary

SECTION 5. The mayor may appoint a secretary to aid him in the performance of the duties of his office, to be known as a secretary to the mayor, to hold office during the pleasure of the mayor, and to be under his direction. In no case shall the term of the office of such secretary extend beyond the term of the mayor by whom he is appointed. His compensation shall be fixed by the city council.

Fence viewers, field drivers and pound keepers

SECTION 6. There shall be elected annually, in the month of January, by the city council, two or more fence viewers, two or more field drivers, and one pound keeper for each pound in the city.

Appointment of leather measurers, weighers, etc.

SECTION 7. The mayor, on the written request of any person buying, selling or transporting goods or commodities which require weighing, surveying or measuring, shall appoint weighers, measurers, or surveyors of such goods or commodities, who shall be sworn before entering upon their duties and shall serve for one year and may be removed at any time by the mayor.

Inspector of animals, appointment of

Duties

SECTION 8. The board of health shall appoint a suitable person to be an inspector of animals. He shall hold office until his successor is elected and qualified and shall be sworn to the faithful discharge of his duties and shall receive such compensation as the city council may determine. He may be removed at any time by said board, who shall state the cause therefor in its order of removal. Said inspector shall have and exercise such power and authority and perform such duties as are authorized or required by law.

Appointment of inspector of provisions

SECTION 9. The board of health shall also appoint an inspector of provisions, who shall hold office until his successor is appointed and qualified. He shall make such inspection, perform such duties, and keep such records as the board of health may require, or as are required by law. His compensation shall be determined by the city council.

Constable at Peabody Museum of Salem

SECTION 10. The mayor, subject to the confirmation of the city council, shall annually appoint a constable for special duty in the building of the Peabody Museum of Salem, during the hours it shall be opened to the public. Said constable shall hold office for one year and until his successor is elected and qualified. It shall be the duty of said constable to maintain order and keep the peace in said building, and he shall receive such compensation for his services as the city council may determine; provided, however, that if the said Peabody Museum of Salem shall at any time require an admission fee to their building, such compensation shall cease.

Constables, appointment of

SECTION 11. The mayor, subject to the confirmation of the city council, shall appoint suitable persons to be constables. They shall file a bond in the manner and form required by law and shall have and exercise all authority upon them conferred by law.

Term of office

SECTION 12. City officers, except those for whom provision is made in the charter and unless otherwise provided by statute or by the rules of the Civil Service Commission, shall hold their offices for one year from the first day of the month following their appointment or election and until their successors are appointed or elected, or they are removed, unless their tenure of office is otherwise fixed by law or by ordinance. Vacancies may be filled at any time for the remainder of the term, in the manner provided for the appointment or election of said officers.

Members city council ineligible to other offices

SECTION 13. No member of the city council shall be eligible during the term for which he was chosen, to any office by appointment or by election of the city council, the salary of which office is payable from the city treasury.

Mayor may close buildings and display flags

SECTION 14. The mayor may order the public buildings or any of the public offices of the city to be closed, not exceeding one day at a time, whenever he deems it expedient, and may at any time order flags to be displayed thereon and on any city flagstaff.

Officers to appear before city council when requested

SECTION 15. Every officer shall, when thereto requested by the city council, appear before said council at any meeting thereof, and furnish such information as may be desired by said council relative to any matter concerning their department which is being considered by said council.

Officers and employees not to be paid until wages are actually due

SECTION 16. No officer or employee of the city in any department shall be paid the compensation allowed him, or any portion thereof, until the same is actually due and payable, nor until the time of service for which compensation is to be paid has expired; and if any such officer or employee shall assign his compensation or wages it shall be considered sufficient cause for his removal from office or discharge from service of the city. Whenever the city treasurer receives notice of any assignment, he shall forthwith notify the assignor that such assignment is contrary to the provisions of this ordinance.

Certain city officers to give bonds Approval and custody of same

SECTION 17. The city council shall require all officers of the city entrusted with the receipt, care, or disbursement of money, to give bonds for the faithful discharge of their respective duties in such penal sums as the city council may by ordinance require, and with such sureties as the city council may, in writing, approve. All bonds and evidences of obligation given to secure the city against loss by malfeasance in office or otherwise, shall, after approval, be filed with the city clerk, and shall be examined as to their sufficiency at least once in each year by the city council; provided however, that the bond given by the city clerk shall be filed with the city treasurer.

Penal sums of bonds of city officers

SECTION 18.* The bond of the city clerk shall be for one thousand dollars; that of the purchasing agent for two thousand dollars; that of the city treasurer, fifty-five thousand dollars; and that of the city collector, fifty-five thousand dollars. The bonds of the above named city officers are to be furnished by a surety company satisfactory to the city council. All bonds required to be furnished by city officers shall be at the expense of the city.

*Amendment approved June 4, 1926.

CHAPTER XI.

CITY PHYSICIAN.*

Appointment of city physician

SECTION 1. The board of public welfare shall bi-annually in the month of January, subject to confirmation by the city council, elect a city physician, who shall be a citizen of Salem and a graduate of a legally incorporated medical school, to serve for the period of two years from the first day of February succeeding his election. He shall continue in office until his successor is appointed, but may be removed at any time by the said board of public welfare, who shall state the cause thereof in his order of removal.

To attend sick paupers and patients under care of city

SECTION 2. It shall be his duty to attend, under the general supervision of the board of public welfare, upon all sick paupers and patients under the care of the city authorities at the city home or elsewhere within the limits of the city, and to render all the services by law incumbent on physicians appointed by board of health.

Vaccination

SECTION 3. He shall vaccinate without charge all persons sent to him by the board of health, such scholars of the public schools, or applicants for admission thereto, as the school committee may direct, and all other residents of the city who may apply to him for that purpose and are unable to pay for such service; provided, such persons have not been successfully vaccinated within three years. He shall give certificates of such vaccination when the same are necessary for admission to the public schools. All duties performed by him under this section shall be under the supervision and direction of the board of health.

*Amendment approved March 16, 1929.

To render services at police station, and examine cases of accidental injury

To furnish certificate of cause of death

General advice and service

To examine applicants for military aid

To render aid to city solicitor in suits

SECTION 4. He shall render all professional services required of him at the police station; examine all cases of accidental injury whereby the city may become liable; and when requested by the mayor or city council, shall examine all applicants for pensions upon the grounds of physical disability. Upon request, unless otherwise provided by law, he shall forthwith furnish for registration, a certificate stating to the best of his knowledge and belief, the facts required by law to be certified as to the death of any person, when there is no attending physician, or the certificate of the attending physician cannot be early enough obtained; and generally shall give such professional advice and service as may be required of him by the mayor, the city council, the board of public welfare, or the board of health. He shall examine all applicants for military aid who may be sent to him by the mayor or city council, and furnish a certificate to the mayor showing the mental and physical condition of every such applicant. He shall, at the request of the city solicitor, render such professional aid in all suits where the city is interested, whether in court or otherwise, as the city solicitor may deem necessary.

Keep record and make reports

SECTION 5. He shall keep a record of all the doings of his office, and make an annual report thereof to the board of public welfare on the first day of February. All cases of disease in which he shall give his professional advice or service, shall be reported to the board of health once in three months, or oftener if required.

Compensation

SECTION 6. The city physician shall receive such compensation as the city council may determine, and the same shall be in full for all services required of him, except that he shall receive for court attendance such compensation as the city solicitor deems reasonable, and except also, when a general vaccination of all the inhabitants is ordered, or when he is called upon to attend persons sick with smallpox; in which cases he shall be allowed, in addition to such compensa-

tion, twenty-five cents for each person he shall vaccinate, subsequent to the passage of such general vaccination order, and the actual cost for the virus used therefor, and two dollars for each visit to a smallpox patient; provided, however, that when such visits are made at the smallpox hospital, he shall be allowed one dollar only, for each patient in excess of five he shall visit at any one time, and provided further, however, that the total compensation allowed the city physician for any one day's service shall in no case exceed twenty-five dollars.

Proviso

SECTION 7. The city physician shall in case of special service performed by him, for which he claims compensation in addition to his regular yearly salary, render an itemized bill for the same, showing the amounts claimed by him for each day's service so performed.

Itemized bill for special service

CHAPTER XII.

CITY SOLICITOR.

Appointment of city solicitor

SECTION 1. The mayor shall appoint a city solicitor, who shall be a citizen of Salem, and an attorney and counsellor in the courts of the Commonwealth, and who shall hold office until his successor is appointed and qualified. He may be removed at any time by the mayor.

To draft bonds, deeds, etc.

SECTION 2. The city solicitor shall draft, or cause to be drafted, all bonds, deeds, contracts, and all other legal instruments which may be required of him by the city council, any board or purchasing agent, or which by law, usage and agreement, the city may be at the expense of drafting.

Duties

SECTION 3. It shall be his duty to commence and prosecute all actions and suits to be commenced by the city; to defend all actions and suits brought against the city; to appear as counsel in any other action, suit or prosecution which may involve the rights and interests of the city, if requested to do so by the mayor or city council; and defend the officers of the city, in any suit or prosecution against them, for any act or omission in the discharge of their official duties, wherein any estate, right, privilege, ordinance, or act of the city government, or any breach of any ordinance may be brought in question. He may take such steps and incur such expense, to be charged to the proper appropriations, in prosecuting and defending suits, as he may deem necessary; and may settle any suit against the city upon approval of the mayor, the president of the city council and the chairman of the finance committee. He shall also appear before the general court of the Commonwealth, or before any commit-

tee thereof, whenever the interests or welfare of the city may be directly or indirectly affected, if requested to do so by the mayor or city council; and shall perform all other professional duties incident to his office which may be required by the mayor or the city council; and he shall, when requested, furnish the mayor, any member of the city council, the school committee, or any board or officer in charge of a department of the city government, his legal opinion on any subject or question relating to the discharge of their official duties; provided, however, that if such opinion is desired in writing, the question submitted for his consideration shall also be stated in writing. He shall examine all claims presented to him by the mayor, and if a settlement thereof seems to him advantageous for the city, shall approve the same.

Annual report

SECTION 4. On the first day of February in each year, the city solicitor shall make a report in writing to the mayor and city council, concerning all suits or legal proceedings in which the city is interested, which are pending or have been determined during the preceding year, with a brief description of each case, and such other information as, in his opinion, the interests of the city may require.

Compensation

SECTION 5. The city solicitor shall receive such compensation as the city council may determine, which shall be in full for all services he may be called upon to perform under the provisions of this ordinance, except for services rendered in courts of record and before the general court or any committee thereof, or for services not herein specified, and for the services so excepted, he shall be allowed an additional and reasonable compensation. In all cases where his attendance is required out of the city he shall be allowed his reasonable travelling expenses.

CHAPTER XIII.

CLAIMS AND ACCIDENTS.

Power to investigate and settle claims

SECTION 1. The city council, unless otherwise required by law, may settle and adjust any claims against the city provided such settlement shall be subject to the approval of the mayor and city solicitor. The committee on claims shall have full power to investigate or cause to be investigated all claims against the city which may be referred to them by the city council, except claims for damages on account of the laying out, altering, relocating and discontinuing of streets, and the abatement of nuisances by the board of health. They may settle and adjust any claims so referred to them at any time, before the return day of a summons duly served upon the city, in the matter of such claim; provided, the amount to be paid shall not exceed five hundred dollars, and provided further, that such settlement shall be subject to the approval of the mayor and the city solicitor. Said committee shall cause every claim settled by them to be presented to the mayor and city solicitor for approval, and if the same does not receive such approval within ten days from time of such presentment, said committee shall, if in their judgment the interests of the city demand a settlement of the claim, report thereon to the city council with such recommendation as they deem necessary.

City officers to report

SECTION 2. Every city officer, except as otherwise provided by ordinance, having knowledge of any fact concerning any claim or suit for or against the city, shall in writing report such fact forthwith to the city clerk.

Members of council not to appear as attorneys

SECTION 3. No member of the city council shall act as attorney, agent or representative of any person or corporation in making, prosecuting, presenting or collecting in any court or tribunal, or before the city council, any claim or demand against the city.

Police officers to report accidents

SECTION 4. Whenever the attention of any member of the police force, shall in any manner have been called to an accident, occurring in any public street, way or place in the city such officer or member shall forthwith communicate to the city marshal such facts and information as he may have relating thereto, together with the names of all witnesses; and the city marshal, upon receiving in any manner notice of such an accident, shall immediately detail a member of said force to investigate the cause and circumstances thereof and forthwith report such information by written report to the city clerk. The city marshal shall keep a record of all accidents and shall enter therein the names of witnesses, a particular description of the locality, and the circumstances attending the accident and the name of the officer making the investigation.

Employees to report accidents

SECTION 5. It shall be the duty of every employee of the city to report at once to the head of the department in which he is employed all facts or information concerning any accident which may come to his notice or knowledge, and the officers in charge of departments, shall instruct all their employees to report such facts and information as aforesaid.

City clerk to send copy of notice of claim to city solicitor, etc.

SECTION 6. The city clerk shall forthwith, upon the receipt of notice of a claim for damages on account of personal injury, death or property damages alleged to have been received upon a street, send a copy of said notice to the solicitor, the city marshal and the city engineer and shall present the claim to the city council at its next meeting.

Written reports to city clerk

SECTION 7. Immediately upon receiving notice as aforesaid, the city marshal and the city engineer shall each cause the said claim to be fully and thoroughly investigated and each shall file a report thereon, with the city clerk. The city clerk shall furnish the city solicitor, if so requested by him, with a copy of any said report.

CHAPTER XIV.

COMPENSATION OF CERTAIN CITY OFFICERS.

Compensation of officers

SECTION 1. The compensation to be allowed and paid to the several officers, clerks and employees mentioned herein shall be at the following rates per annum payable in equal monthly installments, unless compensation is fixed by the day or week.

To the city auditor, twenty-four hundred dollars.*
To the city clerk, twenty-four hundred dollars.
To the city collector, two thousand dollars.
To the city electrician, twenty-five hundred dollars.**
To the city engineer, three thousand dollars.
To the city messenger, seventeen hundred dollars.
To the city physician, fifteen hundred dollars.†
To the city solicitor, two hundred and fifty dollars.
To the city treasurer, twenty-two hundred dollars.

To the board of health, chairman, two hundred dollars; other members, one hundred and fifty dollars each.

To the superintendent of the City Home, ten hundred dollars.

To the superintendent of the Congress Street Bridge, twenty-nine dollars and twenty-five cents, per week.

To the assistant superintendent at the Congress Street Bridge, twenty-seven dollars and twenty-five cents, per week.

To the superintendent of hay scales, thirteen hundred dollars.††

To the superintendent of moth suppression, three hundred dollars.

To the superintendent of park department, seven hundred dollars.

To the superintendent of public buildings, two thousand and ninety dollars.†††

*Amendment approved April 1, 1926.
**Amendment approved March 26, 1928.
†Amendment approved February 23, 1928.
††Amendment approved February 18, 1927.
†††Amendment approved February 23, 1928.

To the superintendent of shade trees, one thousand dollars.

To the superintendent of streets, twenty-six hundred dollars.*

To the purchasing agent, two thousand dollars.

To the sealer of weights and measures, eighteen hundred and seventy dollars.**

To the registrars of voters, two hundred dollars each.

To the assistant registrars of voters, two hundred dollars each.

To election officers, ten dollars a day.

To the janitor at City Hall fifteen hundred dollars, payable in weekly installments.

To the clerk of committees, three hundred dollars.

To the clerk of military aid, six hundred dollars.

To the clerk of water department, two thousand dollars.

To the clerk of the registrars of voters, two hundred and fifty dollars.

To the clerk of the poor department, eighteen hundred dollars.***

To the inspector of animals, four hundred dollars.†

To the secretary to the mayor, fifteen hundred dollars, payable in weekly installments.

Compensation of clerks

To the chief clerks in the treasurer's, collector's, auditor's, street, assessors' and water departments, and to the assistant city clerk, twenty-five dollars per week. Other clerks, regularly employed, for the first year, twenty dollars per week; for the second year, twenty-one dollars per week; for the third year and thereafter twenty-two dollars per week; and clerks temporarily employed sixteen dollars per week.††

*Amendment approved October 28, 1922.
**Amendment approved February 6, 1928.
***Amendment approved January 31, 1929.
†Amendment approved July 2, 1928.
††Amendment approved January 3, 1929.

Compensation of assessors

To the chairman of the Board of Assessors, twenty-five hundred dollars; to each of the other members of said board, two thousand dollars; to Assistant Assessors, five dollars per day for each day's service.*

Compensation of police

Police Department, payable in equal weekly installments; city marshal, twenty-seven hundred dollars; captains, twenty-four hundred dollars; lieutenants, twenty-three hundred dollars; sergeants, twenty-one hundred and fifty dollars; patrolmen, cell-men, chauffeurs, janitor, five dollars and fifty cents a day; reserve patrolmen, five dollars per day; matron three dollars and fifty cents a day.**

Compensation of firemen

Fire Department: Payable in equal weekly installments; chief engineer, twenty-seven hundred dollars; deputy chief, twenty-five hundred dollars; captains, twenty-three hundred dollars; mechanician, twenty-two hundred fifty dollars; supervisor of motor apparatus, twenty-two hundred fifty dollars; lieutenants, twenty-one hundred fifty dollars; privates, first year five dollars per day; after first year, five dollars and fifty cents per day; call members, two hundred fifty dollars per year; substitute call members, one dollar for each fire at which they render services.***

Public property employees

Public Property Department; General foreman, five and one-half dollars per day; florists, thirty-one and one half dollars weekly; caretaker at comfort station, four dollars per day.†

Park, etc., employees

Park, Moth and Shade Tree Departments; working foremen, five and one-quarter dollars per day; climbing foremen, five and three-quarters dollars per day; climbers, five and three-quarters dollars per day.††

Sewerage department employees

Sewerage Pumping Station; chief operators, five dollars and seventy-five cents per day; other operators, five dollars and twenty-five cents per day, payable weekly.

License commissioners

To all license commissioners, five dollars for each meeting but in no year shall it exceed the sum of fifty dollars.

*Amendments approved December 30, 1922, and January 31, 1929.
**Amendment approved February 4, 1929.
***Amendment approved February 4, 1929.
†Amendment approved January 31, 1929.
††Amendments approved January 3, 1927, and January 31, 1929.

Water pumping station

†To the chief engineer of Wenham Lake Pumping Station, two thousand dollars; assistant engineer at the pumping station, forty dollars per week; firemen at said station, thirty-six dollars per week.*

To the constable at the Essex Institute, three and one-half dollars per day.

To the constable at the Peabody Museum, five dollars per day.**

Street department

Street Department: General foreman, six dollars per day; working foreman, five and one quarter dollars per day; foreman of paving, five dollars and fifty cents per day; foreman of tar work, five dollars and twenty-five cents per day; foreman laying granolithic walks, six dollars per day; foreman at stone crusher, five dollars and twenty-five cents per day; steam drill operator, five dollars and twenty-five cents; blacksmith, five dollars and fifty cents per day; truck driver, five dollars and fifty cents per day; time keeper, five dollars and twenty-five cents per day; road builders, five dollars and twenty-five cents per day; ash men, five dollars and fifty cents per day; all payable weekly.

Water department

Water Department: General foreman, six dollars per day; working foreman, five dollars and twenty-five cents per day; caulkers, when working as such, five dollars and fifty cents per day; inspectors five dollars and twenty-five cents per day; caretaker at Wenham Lake and Reservoir; five dollars and twenty-five cents per day; all payable weekly.

Laborers

All laborers, classified as such, five dollars per day.

*Amendment approved February 6, 1928.
**Amendment approved January 31, 1929.
†To the chief engineer of Wenham Lake Pumping Station, twenty-two hundred dollars; assistant engineer at the pumping station, forty-two dollars per week; firemen at said station, thirty-six dollars per week. Adopted February 9, 1928.

CHAPTER XV.

CONTRACTS AND LABOR.

Non-residents not to be employed as laborers

SECTION 1. In the employment of mechanics, teamsters and laborers, in the construction of public works, preference shall be given to citizens of Salem who have served in the army or navy of the United States in time of war, and secondly to citizens of Salem who have families or minor children dependent upon them for support, and thirdly to citizens of Salem generally; provided, that no competent and faithful mechanic, teamster or laborer, shall be discharged to make place for another.

Working day for laborers

Eight hours shall constitute a day's work for all laborers, workmen and mechanics employed by or on behalf of the city in the several departments.

Half holidays

All regularly employed city laborers shall be given a half holiday on each Saturday afternoon throughout the year without loss of pay and also Labor Day without loss of pay.

Advertisements for proposals for materials and supplies

SECTION 2. All advertisements for proposals for materials and supplies to be furnished to the city shall be published by the purchasing agent in the manner and form required by the charter, and a copy of such advertisement shall be preserved by him.

Purchasing agent to be furnished with complete description of supplies to be purchased

Whenever advertisements for such proposals are made, the purchasing agent shall cause the officer or board in charge of the department for which the materials and supplies are to be obtained to furnish him with a complete and accurate schedule showing in detail the amount, the quality, the dimensions and all other necessary details concerning the said materials and supplies, and whenever the said purchasing agent deems it expedient, plans and specifications shall also be furnished him. The purchasing agent shall show such plans and specifications to the parties

Certain proposals for materials and supplies to be advertised

proposing to bid. All purchases of materials and supplies, whenever the costs may reasonably be expected to exceed the sum of two hundred dollars or whenever the cost of any class of materials or supplies in any month may reasonably be expected to exceed said sum shall be awarded by the purchasing agent by competition.

Advertisements for proposals for work

SECTION 3. All advertisements for proposals for work shall be published in the manner and form required by the charter, and a copy of such advertisements shall be preserved by the officers or board causing such publications. Whenever advertisements for proposals for any work to be done for the city are made, the officer or board in charge of the work to be done, shall cause suitable plans and specifications to be prepared and shown to the parties proposing to bid. Every officer or board authorized to contract for work in behalf of the city, shall advertise for proposals for the same, whenever the cost may reasonably be expected to exceed the sum of two hundred dollars, except in cases of special emergency involving the health or safety of the people or their property.

Plans and specifications of proposed work to be shown to bidders

Certain proposals for work to be advertised

Contracts exceeding $200.00 to be accompanied by bond

SECTION 4. Every contract in which the amount involved is two hundred dollars or more shall be executed in writing for any work to be done for the city, or for any apparatus, materials or supplies to be furnished the city, shall be accompanied by a surety company bond for the performance of the same, or by the deposit of money or security to the amount of such bond. All such contracts shall be executed in duplicate and shall, if for apparatus, materials or supplies, be signed on the part of the city by the mayor, and the head of the department for which the apparatus, materials, or supplies are to be furnished, and the purchasing agent. If such contracts are for work to be done, then, they shall be signed by the mayor and the head of the department for which the work is to be done, and after being signed by all the parties, no such con-

Contracts to be in duplicate and not to be altered unless, etc.

tract shall be altered, in any particular, unless the parties, who originally signed the contract indorse on said contract, over their signatures their assent to such alteration in writing. All payments for extra work shall be made at the time of the final payment on such contract. All such contracts shall be filed with the city clerk within forty-eight hours from the execution thereof.

Extra work on contracts

Contracts to be filed

SECTION 5. Every such contract shall provide that, in case of any alteration, so much of such contract as is not necessarily affected by the change shall remain in force upon all parties thereto. It shall also provide that no payment for work done under such alterations shall be made until the completion of the whole contract, and also that the adjustment and payment of the bill then rendered for such work shall release and discharge the city from any and all claims or liability on account of any work performed under such contract, or any alteration thereof.

Alteration of contract

Payment on contract

SECTION 6. No proposal shall be received from any person offering to contract for work or for apparatus, materials and supplies unless the same is enclosed in a sealed envelope or wrapper. No proposals shall be accepted from or for any person who has broken a contract with the city during the three years preceding.

Proposals to be sealed

SECTION 7. All proposals for apparatus, materials and supplies shall be publicly opened and read at the hour and place designated in the advertisement, or as soon thereafter as possible, by the purchasing agent in the presence of the head of the department for whose department the apparatus, material or supplies are to be furnished. The contract shall be awarded to the lowest bidder complying with the terms; provided, however, if any such proposal shall be offered by a person who cannot satisfy the purchasing agent and said head of the department that he is competent to perform the contract in a proper manner and that he is responsible

Contract to be awarded lowest bidder

in respect to his means of faithfully executing the same, such proposal may be rejected notwithstanding the same be at a lower rate than other proposals offered for the same apparatus, materials, and supplies, and the next higher bidder shall be substituted; provided further, however that preference may be given to a resident over a non-resident, and provided, also, in all cases that the purchasing agent and the said head of the department may reject any and all bids and cause the purchasing agent to issue new advertisements. All bids for apparatus, materials or supplies shall be preserved by the purchasing agent and shall be open to public inspection.

Bids to be preserved and to be open to public inspection

Proposals for work when opened

Section 8. All proposals for work to be performed for the city shall be publicly opened and read at the hour and place designated in the advertisement or as soon thereafter as possible by the head of the department for which the work is to be done. The contract shall be awarded to the lowest bidder complying with the terms; provided, however, if any such proposal shall be offered by a person who cannot satisfy the said head of the department, that he is competent to perform the contract in a workmanlike manner, and that he is responsible in respect to his means of faithfully executing the same, such proposal may be rejected, notwithstanding the same be at a lower rate than other proposals offered for the same work, and the next higher bidder shall be substituted; provided, further, however, that preference may be given to a resident over a non-resident; and provided, also, in all cases, that the said head of the department may reject any and all bids and may issue new advertisements. All bids for such work shall be preserved by the said head of the department and shall be open to public inspection.

Contract to be awarded lowest bidder

Bids to be preserved and open to public inspection

No contract to be made for more than one year, unless, etc.

SECTION 9. No officer nor board shall make any contract in behalf of the city, the execution of which will necessarily extend beyond one year from the date thereof; unless special permission so to do has been given by vote of the city council or by the statutes of the commonwealth.

Provision to be inserted to cover unpaid claims of mechanics or laborers

SECTION 10. Officers who contract in behalf of the city for construction or repair of public buildings or other public works shall obtain sufficient security, by bond, or otherwise, for payment by the contractor and subcontractors for labor performed or furnished and material used in such construction or repair.

Officers or boards not to make expenditures or incur liability until appropriation has been made

Appropriation not to be exceeded

SECTION 11. No officer or board shall, unless specially authorized thereto by statute, make any expenditure or incur any liability on behalf of the city for any purpose or object, until an appropriation sufficient to meet such expenditure or liability, has been made therefor; nor shall any officer or board exceed any specific appropriation made for his or their department.

Materials and supplies may be purchased for two or more departments by direction of city council

SECTION 12. Materials and supplies may, by direction of the city council, be purchased for two or more departments by the purchasing agent, and distributed in such manner as the city council may direct; and separate bills shall be made by the party furnishing such materials or supplies for each department so furnished. Whenever any department has in its possession materials, products or supplies which are not needed or desired by such department, and the same can be utilized to advantage by some other department of the city, the city council may direct that the same shall be transferred from, and credited to, the department having the same to such other department, and utilized as aforesaid.

Transfer of materials and supplies not needed from one to another

Purchase of fuel

SECTION 13. The purchasing agent upon proper requisitions shall purchase all the fuel required by the different departments and shall contract for the same in the manner hereinbefore designated. All coal shall be weighed previous to its delivery by a sworn weigher. The certificate of such weight shall be transmitted to the janitor or officer receiving coal and the said certificate so indorsed shall be presented with the bill for the coal to the department charged therefor, and shall be retained as a voucher for said bill.

CHAPTER XVI.

ELECTRIC WIRES.

Erection and maintenance of electric lines

SECTION 1. The city council shall have the authority to permit the erection and maintenance of telegraph, telephone and other lines of electric wires within the city. Whenever an application is made for a location of any such line, the company, corporation or person at the time of making such application shall furnish and file in the office of the city clerk, a plan of the streets through which the lines are to run upon a suitable scale, and upon said plan shall be marked by dots or otherwise, each and every pole located on the street, within the distance where locations are required by the application filed, and in characters to distinguish the same one from the other, and the city council shall then determine and specify on said plan by red dots where each pole may be located, and may issue to the party applying therefor, a certificate which shall specifically designate the streets where the lines may run, and the location of each pole thereon, as exhibited on said plan and the kind of pole together with the height at which all wires must be placed. Said plan and a copy of said certificate shall be filed in the office of the city clerk, and the construction of the line shall conform thereto in every particular, and any pole, or wire placed otherwise than as therein designated, shall forthwith be removed by the city electrician. Any permit granted hereunder shall be subject to the right of the city, free of charge, to place its fire alarm, telegraph, and police signal wires upon the poles so permitted to be maintained and to the right of the city to permit location of lines by any other company, corporation, or person upon said poles upon payment to the owner thereof a reasonable compensation to be determined by the parties,

Plan to accompany application

Permit granted subject to certain rights

or if they fail to agree, to be determined after notice and hearing by the city council. Whenever a location is granted upon pole already erected, a plan of the streets so traversed need not be required. All work establishing and locating any poles, or the attachment of any wires by any order or permit of the city council shall be under the direction of the city electrician whose duty shall be to see that all such poles are located and wires attached according to said plan.

Appointment of city electrician

SECTION 2. The mayor shall annually in January, subject to confirmation by the city council, appoint a city electrician who shall hold his office for the term of one year from the first day of February succeeding his appointment and until his successor is appointed, unless sooner removed. He may be removed for cause by the mayor with the approval of a majority of the members of the city council. He shall receive such compensation as the city council may from time to time determine. The city electrician shall, subject to the direction of the mayor, have general charge of the lighting of streets, parks and public buildings and shall require a full compliance with the terms of all contracts made by the city for lighting such streets, parks, and public buildings.

City electrician designated as inspector of wires

SECTION 3. The city electrician is hereby designated as the inspector of wires under the provisions of section thirty-two of chapter one hundred and sixty-six of the General Laws of the Commonwealth and acts in amendment thereof, and shall have the rights and perform the duties of such inspector as defined by law and ordinance; he shall have the supervision of all telegraph, telephone and all other electric lines of wire in the city and shall see that all laws and ordinances relating thereto are enforced.

Rules of national electric code to apply

He shall require that the rules and regulations of the then current edition of the National Electric Code, to be complied with both for outside and interior construction.

Kinds and dimensions of poles

SECTION 4. All poles for the telegraph, telephone and electric lines shall be straight, properly trimmed and painted, in all respects, to the satisfaction and acceptance of the city electrician; shall not be less than twenty-five feet in height from the ground; shall be of iron, hard pine, oak, or chestnut, and if of wood, not less than six inches in diameter at the smaller end, and ten inches in diameter at the ground. Such poles shall be properly set in the ground to a depth of at least five feet and shall be octagonal in shape whenever the city council shall so require; and the name of the company, corporation or person owning the pole shall be distinctly painted on the pole and each pole shall be distinctly numbered. Wherever any power line shall cross any street or way, it shall be of a height of not less than twenty-five feet above such street or way, and when practicable, cross at right angles. No wire shall be less than twenty feet above the ground.

Location of poles in reference to curbstones and hydrants

SECTION 5. On streets where curbstones are set all poles shall be erected in the sidewalk within or adjoining the curbstone, and where there are no curbstones the poles shall be erected so as not to interfere with the gutter or with the curbstone that may hereafter be there set; and no pole shall be set within fifteen feet of any hydrant.

Electrician to inspect condition of poles and examine applications for erection of wires and poles

SECTION 6. The city electrician shall thoroughly inspect the condition of all poles or posts carrying electric or other wires upon or over the streets in the city, in order to ascertain that they are free from decay or any injury rendering them dangerous. The corporation owning or using said pole shall at its expense, when requested by the city electrician, furnish him with adequate assistance to enable him to make a thorough examination of such poles. The city electrician shall, when required by the mayor, examine every application for the placing of any wire, or the erection of construction of poles or posts for the support thereof, in, under or over any street, way or public place,

and report to him all facts which, in his opinion, bear upon the question of granting or refusing such application.

Electrician to have care of city wires and electrical apparatus, purchase electrical appliances, and keep same in good order

SECTION 7. Said electrician shall have the care and management of the erection and maintenance of all wires owned by the city, including the fire alarm, telegraph and police electric signal and telephone systems, the apparatus, machinery and other property connected therewith, and the posts and other supports erected or owned, or hereafter erected, by the city. He shall, under the general supervision of the mayor, order of the purchasing agent, all apparatus, materials and supplies necessary for the maintenance of his department and shall set up or supervise the erection of all the wires, posts, supports, dynamos, machinery and other electrical appliances required by the city in all its departments, and see that the same are maintained and kept in good order and condition.

To inspect wires and see that the same have proper tags and marks

SECTION 8. He shall inspect and supervise every cable and wire, in, under or over streets or buildings, every such wire where it enters a building, and every such wire within a building when such wire is designed to carry an electric light, heat or power current or used for transmission of intelligence; shall see that every such wire and cable, except the wires of a street railway company used for the transmission of its motive power or for the protection or support of wires so used, has affixed to it, at its point of support a tag or mark distinctly designating the owner or user of such wire or cable; shall notify the person or corporation owning or operating any such cable or wire whenever its attachments, insulations, supports or appliances are unsuitable or unsafe, or the tags or marks thereof are insufficient or illegible, or that any cable or wire has been abandoned for use. If the owner does not within ten days after such notification, provide suitable and safe attachments, insulations, supports, appliances, tags or marks or refuses or neglects to remove such abandoned wire or cable, as the

Notice when wire is unsafe, etc.

case may be, then the city electrician shall at the expense of the city remedy such unsafe or insufficient attachments, supports and appliances and may remove such wires or cable, which are not properly insulated, or not provided with a tag or mark or which have been abandoned. Such expense incurred by the city shall be repaid by the owner of such cable or wire. He shall make, or cause to be made, and keep in his office, a map of the city, showing the location of every cable and wire in, over or under the streets, and of all places where electricity to be transmitted by any such cable or wire is manufactured or produced; shall keep a record, showing the names of the owners of such cables, wires, places and machinery and descriptions of such machinery, and shall see that all laws, ordinances, and regulations relating to such cables and wires are strictly observed and enforced.

To keep map and record showing location of wires, etc.

SECTION 9. Every person or corporation, private or municipal, owning or operating a line of wires over streets or buildings in the city, shall use only wires that are suitable and strong; shall suitably and safely attach them to strong and sufficient supports, and insulate them at all points of attachment; shall remove all wires abandoned for use; shall suitably insulate every wire where it enters a building, and, if such wire is a wire designed to carry an electric light, heat or power current, or used for transmission of intelligence, shall attach to it at suitable and convenient points in the circuit, calculating to prevent danger from fire and near the place of entering the building, an appliance calculated to prevent at all times a current of electricity of such intensity or volume as to be capable of injuring electrical instruments or causing fire from entering the building by means of such wire, beyond the point at which such appliance is attached, and shall suitably insulate every wire within a building when such wire is designed to carry an electric light, heat or power

Regulations concerning wires over streets or buildings

current. All wires to be used for the purpose of inducting electricity except trolley and span wires shall be covered with proper insulating material throughout their entire length.

Certificate of approval required for replacing of wires in buildings

SECTION 10. Prior to the replacing of any meter service of any electric wiring or appliances for light, heat or power in any building, a certificate of approval thereof must be obtained from the city electrician. Blank forms of application are provided by the city electrician.

Certain wires used for transmission of current to be maintained

SECTION 11. All wires, appliances, and apparatus in the interior or exterior of a public building or on private premises, which are intended for the transmission of electricity shall be made safe and at all times kept so, and shall be placed, arranged, attached, changed, and maintained by the person or corporation constructing, owning, or using the same, to the satisfaction of the city electrician, who shall have access at all reasonable times to such wires, appliances or apparatus. Before any person shall arrange, affix, or essentially change such wires, appliances or apparatus, he shall notify the city electrician, who shall be given a full opportunity to inspect the said wires and their arrangement and fixtures before the same are covered or enclosed. Wires in the interior of buildings and on private premises shall not be connected with an outside circuit which crosses or runs along, over, or under any street or way of the city, without written permission therefor first having been obtained from the city electrician.

Wires, etc., not to be affixed or changed without notice to city electrician

Wires in building not to be connected to street current without permit

Work to be inspected during process of construction

SECTION 12. During the process of construction of any electrical work, the city electrician, or his duly authorized agent, shall inspect, and shall be allowed to inspect, said work from time to time. When said work is completed, and before any part thereof has been covered by moulding, lath, plaster or other means, the contractor or owner performing said work shall give to the city electrician twenty-four hours

notice of such completion and shall proper application to him for inspection of the same and for his certificate of inspection. The city electrician, or his duly authorized agent, shall make at once the inspection required, and, if the work meets his approval, he shall issue his certificate of inspection in due form; but no such certificate shall be issued unless the electric light, heating or power installation, and all apparatus and wiring connected with it, shall be in strict conformity with the rules and regulations prescribed by the city electrician; nor shall any electrical current be turned on any such installation until the city electrician has issued his certificate of inspection.

Certificate of inspection to be given

SECTION 13. No corporation, co-partnership, association or individual, or any agent thereof, shall make service connection to any wiring or appliances in any building until the inspection certificate of the city electrician has been issued.

No service connection to be made until certificate is given

SECTION 14. No person shall set up, install or maintain a wireless apparatus connected with or intended to be connected with a current of electricity, without first having obtained therefor a written permit from the city electrician. The city electrician shall issue a permit if he finds that the said apparatus complies in all respects to the rules and regulations of the then current edition of the national electric code.

Permit for wireless apparatus

SECTION 15. The city electrician is hereby authorized and empowered to cause the turning off of electric current from all conductors or apparatus which are deemed by him to be in unsafe condition or which have not been installed in conformity with the provisions of this ordinance. No corporation, co-partnership, association or individual, or agent thereof, shall supply, or cause to be supplied, any electrical current to conductors or apparatus which has been deemed by the city electrican to be in unsafe condition, and from which the city electrician has caused the electric cur-

City electrician to shut off current in unsafe conductor or apparatus

rent to be turned off, until the required corrections have been made and the inspection certificate of the city electrician has been issued.

Construction of conduits

SECTION 16. Except as provided in sections twenty-four and twenty-five, the city council may authorize any telephone, telegraph, electric light, electric power or street railway company to construct and maintain underground conduits, cables and wires for conduct of the business of such company, in such of the streets of the city as the city council may deem advisable and to construct therein and maintain the necessary manholes and house connections, and to erect and maintain distributing poles at the terminal of said conduits and at suitable distributing points; and may give such authority under such conditions, restrictions and limitations as the city council may impose, to be expressed in the license or permit.

Regulations for such construction

SECTION 17. Said conduits shall be of such kind and construction as the city council shall approve, and the work shall be done in a thorough manner, and to the approval of the city engineer. Said distributing and other poles shall be of the form and material specified in section four.

Surface of street not to be disturbed without permit

SECTION 18. The surface of a street shall not be disturbed for the purpose of laying, repairing or removing wires, conduit, or erecting or removing distributing or other poles, without a permit from the city council, indicating the time, manner and place of opening such street, and the time within which such work shall be completed; but this provision shall not be construed as requiring any permit for the opening of manholes for the purpose of drawing in, removing or repairing wires and cables.

Surface of street to be restored to satisfactory condition

SECTION 19. When an opening is made in a street for any of the purposes aforesaid, the portion of the street so opened shall be restored to a condition satisfactory to the city engineer and shall be maintained in such condition for one year thereafter, and if not so restored and maintained by the company performing the work, said city engineer shall cause the same to be restored and maintained at the expense of said company.

Laying of conduit not to interfere with wires or pipes

SECTION 20. No company or other person in laying, repairing, or removing its wires or conduits shall disturb, or in any way interfere with street railway or electric light wires, or any other wires, or with any gas or water pipes, or sewers, or pipes therewith connected.

When city pipes or works are to be constructed or repaired, location of conduits to be changed if necessary

SECTION 21. Whenever the city shall repair, construct or enlarge sewers, water pipes or other public works in streets where conduits or cables are laid thereunder, and changes in the location of such conduits or cables will be rendered necessary or expedient, such changes shall be made at the expense of the company owning such conduits or cables.

Conduits not to be removed without consent

SECTION 22. No company or other person shall remove its conduits or cables without the consent of the city council, but every such company or person shall remove its conduits or cables to other suitable locations whenever ordered to do so by the city council.

Permit not to be valid until company has filed agreement

SECTION 23. No permit shall be granted, or if granted shall be valid, to disturb the surface of a street for any of the purposes aforesaid, until the company applying therefor has executed an agreement in writing and in a form satisfactory to the city solicitor, and has filed said agreement in the office of the city clerk, providing:—first: That in every

Conditions

underground conduit constructed by any telephone or telegraph company sufficient and necessary space shall be reserved and maintained, free of expense, for the use of the fire, police and other signal wires belonging to the city and used exclusively for municipal purposes, and that the city electrician, or any person authorized by him, shall be allowed access to said conduits at all times, and facilities and privileges in putting in or taking out wires equal in all respects to those of such company; and that in every underground conduit constructed by any electric light company, sufficient and necessary space shall be reserved, free of expense, for the use of the electric lighting wires then or thereafter belonging to the city, and used exclusively for municipal purposes, and that the city electrician or any person authorized by him, shall be allowed access to said conduits at all times, and facilities in putting in or taking out electric lighting wires equal in all respects to those of such company; second:—That such company will indemnify and save harmless the city against all damages, costs and expenses whatsoever to which the city may be subjected in consequence of the acts or neglects of such company, its agents or servants, or in any manner arising from the rights or privileges granted it by the city.

Company to give bond in certain cases

SECTION 24. In addition to the aforesaid agreement, such company shall, before a street is disturbed for the laying of its wires or conduits, execute a bond with surety or sureties to be approved in writing by the city solicitor and filed in the office of the city clerk, in a penal sum of not less than ten thousand dollars, conditioned to fulfill all the agreements with the city and its duties under this ordinance and all ordinances in addition thereto or in amendment thereof; and a new bond of like import may at anytime be required of such company by the city council, which new bond shall be a strengthening bond, unless the surety or sureties on former bonds are expressly released from further liability by vote of said council, provided, however, that

any corporation required under the provisions of chapter 448 of the acts of 1910 or acts in amendment thereof or in addition thereto, to place its wires underground, shall be exempt from furnishing surety on its bond required by the provisions of this section when given for the purpose of carrying out the provisions of said act.

Certain officials to have charge of removing wires

SECTION 25. The city electrician, the city engineer and the superintendent of streets shall constitute a board of three, who shall be known as the board of underground wire commissioners, who shall have exclusive authority to cause to be removed from the streets of the city, wires, cables and conductors in accordance with the provisions of chapter four hundred and forty-eight of the acts of the year one thousand nine hundred and ten and amendments thereof and the said board shall exercise such other powers and perform such other duties as are enumerated in the aforesaid acts as the duties and powers of the officer or officers to be designated by the city council under the authority conferred therein.

CHAPTER XVII.

FINANCE.

Appointment of auditor

SECTION 1. The mayor shall annually in January subject to confirmation by the city council, appoint a competent person to be auditor of accounts, and he shall be sworn to the faithful discharge of the duties of the office. He shall hold his office for one year from the first day of February succeeding his appointment and until his successor is appointed and qualified but he may be removed for cause at any time by the mayor, with the approval of a majority of the members of the city council. A vacancy in the office may be filled in the manner above provided.

Bills and accounts to be presented and approved, entered and forwarded to city auditor

SECTION 2. All bills and accounts against the city shall be presented to the purchasing agent, if for apparatus, materials or supplies purchased through him, otherwise to the department contracting the account, or on before the first day of the month following the contracting of the same or of the delivery of goods contracted for; the purchasing agent shall examine such bills or accounts and if found correct, approve and forward them to the several departments for which the goods or supplies have been purchased. The several departments after such bills have been approved by the head thereof, or if for the school department, by the superintendent and a majority of the school committee, shall be entered upon the book of the department and forwarded to the city auditor not later than the morning of the third day of each month.

City auditor's duties in reference to bills and accounts

SECTION 3. The city auditor shall receive all such bills and accounts as have been approved as provided for in section two of this ordinance, and shall examine the same and see that the accounts are properly extended and that

they are properly approved. In case of any error or informality in any bill or account he shall at once return the same to the department to which it belongs. Such bills, as are found to be correct and properly approved, he shall enter upon books provided for the purpose, charging the same against the proper appropriation. Should he find the balance of any appropriation is insufficient to provide for the payment of any bill he shall at once return to the department such bills as are in excess of the appropriation. After the auditor shall have examined and entered such bills upon the books, as provided herein, he shall list them upon sheets provided for the purpose, and shall draw a warrant for the aggregate amount thereof and shall countersign and present the same to the mayor for his signature.

Monthly pay. day

SECTION 4. The regular pay day for all such bills and accounts shall be the tenth day of each month, except when that date falls upon Sunday or a holiday, in which event the bills shall be paid on the next business day following.

Weekly pay day

SECTION 5. All laborers and others in the service of the city, except such as are paid in monthly or quarterly installments, shall be paid on Wednesday of each week and the pay rolls therefor shall be made up by the several departments for the week, including the previous Saturday. Should Wednesday occur upon a legal holiday, payments shall be made upon the previous day.

Manner of keeping accounts

SECTION 6. The auditor shall keep his accounts in such form and in such detail as will clearly exhibit all receipts and expenditures. He shall open an account with every appropriation made by the city council, and shall credit each account with its appropriations for the fiscal year, and shall charge against each account the expenditures as they shall, from time to time, be allowed. Whenever an appropriation is exhausted, he shall give immediate notice thereof in writing, to the mayor and head of the department,

When appropriation is exhausted notice to be given

for which the appropriation is made, or school committee, as the case may be, and he shall not pass or allow any account or claim chargeable against such appropriation, until the city council provides the means of paying the same. The auditor shall, once in each month, prepare a statement, showing the condition of each city account, and giving the amount of appropriations and receipts, expenditures and balances remaining unexpended under the same, and shall furnish a printed copy thereof to each department and member of the city council. Said statements shall show all amounts collected by the city collector during the preceding calendar month, specifying the amounts credited to each department separately, and the amount of the taxes for each year collected during the preceding calendar month.

Auditor to prepare monthly statement showing condition of accounts

Vacancy in office of auditor

SECTION 7. Whenever a vacancy exists in the office of the city auditor, or if the said auditor is temporarily unable to perform the duties of his office, then the city clerk shall have authority to counter-sign such warrants upon the city treasurer as the mayor is authorized by the ordinances to draw and such signature shall be honored by the treasurer.

All scrip, bonds, notes, to be countersigned by the mayor

Annual report

SECTION 8. All notes, bonds, scrip and certificates of indebtedness issued for loans to the city and authorized by the city council shall be signed by the city treasurer and countersigned by the mayor and the city auditor. All orders drawn by the mayor on the treasurer, as provided in the next section, shall be countersigned by the city auditor. The city auditor shall report to the city council annually on the first day of February, a statement of the receipts and expenditures during the preceding fiscal year, giving in detail the amount of appropriations and expenditures, the names of the persons to whom and the purpose for which, such expenditures were made, with the amounts thereof, and the receipts in detail from each source of income; and the whole shall be arranged as far as practicable, so as

to conform to the accounts of the treasurer. He shall include in said report a statement of all loans, and the rate of interest thereon, and shall exhibit all the liabilities and assets as shown on the books in his office at the close of the fiscal year. The fiscal year shall begin on the first day of January and shall continue until the thirty-first day of December annually. On or before the tenth of December in each year, he shall cause to be inserted in a newspaper in the city, a notice that all accounts against the city for the fiscal year, are required to be presented, and all sums due the city to be paid on or before the twentieth day of said December. The auditor shall receive for his services such compensation as the city council may determine. His office shall be kept open for business every day except Saturdays, Sundays and holidays from half past eight o'clock, A. M. to four o'clock P. M. and on Saturdays from half past eight o'clock, A. M. to one o'clock P. M.

Fiscal year

Notice for presentment and payment of accounts to be published in December

Compensation of auditor and office hours

SECTION 9. The mayor is hereby authorized to draw orders on the city treasurer for the payment of all accounts and claims, approved and certified as required by this ordinance and no other; provided, however, that he may draw his order to pay any sum as an advance on contracts made in accordance with the terms of the contract, or on work begun but not completed, upon being satisfied of such necessity, and upon a certificate to that effect signed by the head of the department or school committee, as the case may be, controlling the expenditure, but within the sum specifically appropriated therefor by the city council; and provided, further, that he shall draw his order for the weekly payment of the wages of such employees as are to be paid weekly, the amounts of such wages to be entered upon pay rolls which shall be certified to as correct by the official or board responsible for their employment, but all such amounts shall be within the appropriation to which the same shall be chargeable; and provided, further, that he shall draw his order for the payment of the salaries of

Mayor authorized to draw orders on treasurer for payments of all accounts approved, etc. Proviso

the teachers of the public schools, and the sums due for military aid, the amount of such salaries to be entered upon pay rolls, which shall be certified to be correct by the superintendent of schools, such amounts to be within the appropriation to which the same shall be chargeable; and provided, further, that he may draw his order on the treasurer for the payment of any claim which has been settled by the city council or the committee on claims or for the settlement of any judgment rendered against the city.

No money to be paid out of city treasury except upon order of mayor

SECTION 10. No money shall be paid out of the city treasury, except upon the written order of the mayor, signed by him addressed to the treasurer, and countersigned by the auditor, and designating the fund or appropriation from which the order is to be paid; provided, however, that the city treasurer shall pay any sum of money due on the principal or interest of any note, bond or other security of the city. No order shall be drawn in excess of the sum appropriated by the city council for that department or account. Whenever an order is drawn, the auditor shall charge it under the appropriate head of expenditure, and report the same and the amount thereof to the head of the department which is authorized to expend the appropriation.

Appointment of city treasurer

Appointment of assistants

SECTION 11. The mayor shall annually in January, subject to confirmation of the city council, appoint a city treasurer, who shall hold office for the term of one year beginning with the first day of February succeeding his appointment and until his successor is appointed and qualified. He may be removed for cause by the mayor with the approval of a majority of the members of the city council. The treasurer shall appoint his assistants and their compensation shall be determined by the city council.

Treasurer to receive and care for all moneys, to sign bonds and notes, and to negotiate loans

SECTION 12. The city treasurer shall receive, receipt for and have the custody of the funds of the city, and also of all moneys, property and securities which may be in his charge by virtue of any statute or ordinance, or by virtue of any gift, devise, bequest or deposit. He shall sign all bonds, scrip, notes and certificates of indebtedness issued for loans to the city and authorized by the city council, and he shall, under supervision and with the approval of the mayor and committee on finance, negotiate all loans authorized by the city council.

Treasurer to pay drafts and sums due on bonds, notes, etc.

SECTION 13. The city treasurer shall pay all drafts, directed to him in accordance with the provisions of this ordinance, for the payment of accounts and claims against the city; and shall on presentation, pay any sum of money due on the principal or interest of any note, bond or other security of the city.

Treasurer to receive sums payable to him for dog licenses

SECTION 14. The city treasurer shall receive all sums of money payable to him by the county treasurer from the sums received for dog licenses.

Cash to be deposited at interest

SECTION 15. The city treasurer shall keep his cash balance of all moneys and deposit at interest, and in such banks as he shall in his discretion approve, and shall credit the sum or amount received for interest on deposits to his miscellaneous cash receipts on city accounts.

Treasurer to keep accurate accounts and make monthly report

SECTION 16. The city treasurer shall keep, in books provided for that purpose, an accurate and true account of all his receipts and payments, making the same conform as nearly as may be with the accounts kept by the city auditor. He shall credit each department or account with all sums received on its account, and shall charge to each all sums paid out on such accounts. He shall, on the first day of every month, report to the city auditor a written statement of all his receipts and disbursements during the preceding

month, stating the aggregate amount for each department or account. He shall not pay any money out of the treasury except upon order of the mayor drawn in the manner prescribed by this ordinance and except as is otherwise provided by ordinance or by statute.

To give bond

SECTION 17.* The city treasurer shall give a bond for the faithful performance of the duties of his office in the sum of fifty-five thousand dollars, to be approved by the city council, and from a fidelity company satisfactory to said council.

Vacancy in office

SECTION 18. Whenever a vacancy exists in the city treasurer's office, or if the said treasurer is temporarily unable to perform the duties of his office, then the city auditor shall have the authority to sign and the mayor to counter-sign checks for such accounts, bills, notes or other claims against the city as the treasurer is authorized to pay.

To make annual report

SECTION 19. The city treasurer shall make up his annual accounts to include the thirty-first day of December, and shall annually, on the first day of February, render to the city council a true, accurate and complete account of all his receipts and payments, and other official doings, during the preceding fiscal year ending on the said thirty-first day of December.

Office hours

SECTION 20. The office of the city treasurer shall be kept open for business every day except Saturdays, Sundays and holidays from eight thirty o'clock A. M., until four o'clock P. M., and upon Saturdays from eight thirty o'clock A. M. until one o'clock P. M.

Appointment of city collector

SECTION 21. The mayor shall annually in January, subject to the confirmation of the city council, appoint a

*Amendment approved April 30, 1928.

city collector, who shall hold office for the term of one year beginning with the first day of February succeeding his appointment and until his successor is appointed and qualified. He may be removed for cause by the mayor, with the approval of a majority of the members of the city council.

Compensation of city collector

SECTION 22. The city collector shall receive such compensation as the city council may determine. He shall appoint all clerks in his office. All fees, charges and commissions of every kind allowed by law, for the collection of taxes, betterments, rates and assessments of every kind, shall be collected and paid by him to the city treasurer for the use of the city. At the end of each month he shall transmit to the city auditor a written statement subscribed by him of all moneys received by him during that month, and shall certify therein that all moneys so received by him have been paid to the treasurer.

To transmit statement

All accounts to be collected by the city collector

SECTION 23. The several departments shall cause to be delivered to the city collector for collection, all accounts against persons indebted to the city; and no such department shall receive payment of any such account, and the receipt of the collector shall be deemed the only sufficient and valid discharge of debts due the city; provided, however, that the duties of the city clerks as to money received for licenses, and the duties of the superintendent of the hay scale as to fees received for weighing or of the sealer of weights and measures shall not be hereby affected. The city collector shall collect all rents, water-rates, betterments, assessments, and all other sums payable to the city, not otherwise specifically provided for. He shall upon receipt of all bills for water rates from the clerk of the water department, notify all persons who are assessed for water rates that the same are due and payable according to the ordinance providing for such payment. He shall send to the clerk of the water department daily a true statement

Proviso

Collection of rents, water rates, etc.

of his receipts on account of the water works, with the number and amount of each bill collected.

Collector to pay city treasurer daily all moneys received, and notify the city auditor of amount of tax lists, assessments, abatements, etc.

SECTION 24. The city collector shall pay to the city treasurer daily all moneys received on that day by him on account of the city, and at the end of each month he shall notify the city auditor of the amount of all tax lists, or assessments committed to him for collection, with the amount of abatements made thereon, and the sums paid to the city treasurer on such accounts.

Collection of assessments for sewers and sidewalks

SECTION 25. Whenever any assessments or charges for defraying the expenses of constructing or repairing main drains or common sewers, or of completing sidewalks, are delivered to the collector for collection, he shall forthwith make demand in writing for the payment thereof; and if the same remain unpaid for three months after such demand, he shall collect the same according to law.

Tax bills to be made out and distributed

SECTION 26. The city collector shall, as soon as possible after receiving any tax list and warrant, make out and distribute tax bills, showing the taxes assessed upon each tax-payer. All state, county and city taxes committed by the assessors to the collector shall be payable on the fifteenth day of October in the year in which the list of said taxes is committed as aforesaid. Upon all taxes remaining unpaid after the first day of November, interest shall be charged from the fifteenth day of October at the rate of six percent per annum until such taxes are paid together with additional interest at the rate of two percent per annum on the amount of all taxes in excess of two hundred dollars, if such taxes remain unpaid after the expiration of the three months after the fifteenth of October. The collector may issue his summons to all persons for all taxes upon real and personal estate remaining unpaid for thirty days after said taxes are due and payable, and

Taxes, when payable

in case said taxes are not paid with the interest due thereon and twenty cents additional for said summons, within fourteen days after issuing said summons, he shall then proceed to collect the same according to law; provided, however, that upon taxes assessed upon the shares of banks under authority of section two of chapter sixty-three of the General Laws, interest shall be charged at the rate of twelve percent per annum on all such taxes remaining unpaid after the first day of November until the same are paid.

Proviso

SECTION 27.* The city collector shall give a bond for the faithful performance of the duties of his office in the sum of fifty-five thousand dollars to be approved by the city council and from a fidelity company satisfactory to said council.

Collector to give bond

SECTION 28. The city collector shall annually on or before the first day of February, render to the city council a full and complete report of the business of his office for the preceding fiscal year.

To make annual report

SECTION 29. The office of the city collector shall be kept open for business from Monday to Friday inclusive in each week, from eight thirty o'clock A. M. to four o'clock P. M., and upon Saturday of each week from eight thirty o'clock A M. to one o'clock P. M. and also during the hours the registrars of voters are holding sessions for the registration of voters; provided, however, said office shall not be kept open any national or state holiday.

Office hours

SECTION 30. The mayor shall annually within sixty days after the organization of the city government, submit to the city council, the annual budget of the current expenses of the city which shall contain an itemized and detailed statement of the money required by the city for that fiscal

Budget

*Amendment approved April 30, 1928.

year and shall contain and shall specify the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city; the specific amount necessary to be provided for each fund and department; the amount of income from all sources of revenue other than taxes upon property, and the probable amount required to be levied and raised by taxation to defray all liabilities and expenses of the city and such other matters as shall be required by law. City officials, when so requested by the mayor, shall submit to him forthwith in such detail as he may require estimates for the next fiscal year of the departments or officers under their charge which shall be transmitted to the city council. The city council may reduce or reject any item, but, without the approval of the mayor, shall not increase any item in or the total of the budget nor add any item thereto. No expenditure shall be made or liability incurred by or in behalf of the city until the city council has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable from said appropriation, except that the city council may incur debt for temporary loans in anticipation of revenue in accordance with the provisions of the statute and providing further in the period after the expiration of any fiscal year and before the regular appropriations have been made by the city council, liabilities may be incurred in the manner and to the amount fixed by law. At any time, the unexpended balance of any sum appropriated for a specific purpose may be transferred to another account by vote of the city council, but no money raised by loan shall be transferred to an appropriation from income or taxes. Nothing herein contained shall be taken to prohibit the payment at any time of executions against the city.

Unexpended balances

CHAPTER XVIII.

FIRE DEPARTMENT.

Organization of fire department

SECTION 1. The fire department which is hereby established shall consist of a chief, a deputy chief, eight captains, eight lieutenants, supervisor of motor apparatus, one mechanician, and thirty nine privates, all of whom shall be permanent members. It shall also include a call force consisting of four call lieutenants and not more than forty privates.

Appointment of chief

SECTION 2. The mayor shall annually in January, subject to the confirmation of the city council, appoint a chief of the fire department to serve for one year and until his successor is appointed and qualified. A vacancy in the said office shall be filled in the same manner for the remainder of the term. He may be removed for cause by the mayor, subject to the approval of the city council. The ranking officer of the department, in case of a vacancy in the office of chief, shall have all the powers and perform all the duties of the chief.

Chief to appoint subordinates

Duties of chief

SECTION 3. The chief, with the approval of the mayor, shall appoint, promote, suspend or remove any member of the department and shall be responsible for the proper conduct of the fire department, for the maintenance of discipline and for the assignment of his subordinates to the several companies. He shall have the care and superintendence of the fire engines, and all other fire apparatus owned by the city and used for extinguishing fires and shall examine into the condition thereof, as often as once a month. He shall cause the fire engines and other fire apparatus to be kept in repair and when worn out to be

replaced provided, that the expense thereof shall not exceed the sum of two hundred dollars at any one time unless a larger expenditure has been authorized by the city council, and provided, further, that the chief acting under the general direction of the mayor shall, through the purchasing agent, obtain all materials, and parts for making all such repairs but in case of fire, or immediate danger from fire, he may make such repairs or purchases as the immediate exigency in his opinion, demands. The chief shall require the permanent men when not otherwise engaged to perform such other duties and do such other work for the department as he may deem proper. He shall certify all bills, and submit the same monthly to the mayor for his inspection and approval. He shall annually on the first day of February, report to the city council a detailed statement of the receipts and expenditures of the fire department during the preceding fiscal year the condition of the fire engines and all other fire apparatus, a schedule of the property in charge of the department, the names of the officers and members, and a statement of the fires during said year, specifying the names of the owners or occupants of the premises damaged or destroyed, the cause of the fire, if known, the amount of loss or damage and insurance thereon, and all other facts of interest relating to said department. He shall co-operate with the mayor in establishing, and from time to time, in revising suitable rules and regulations for the organization and conduct of the department, but said rules and regulations or the revision thereof, shall not become effective until they have been approved by the city council. At fires, the chief shall be in absolute command, not only of members of the fire department, but of all persons present at said fires.

To make annual report

To make rules and regulations

Appointment of deputy chief

SECTION 4. The chief shall appoint a deputy chief, in the manner above provided in the preceding section. He shall assume the duties of the chief of department in the chief's absence, and shall perform such further duties as may be assigned to him by the chief.

Chief may detail captains or lieutenants to position of acting assistant chief

SECTION 5. The chief may, from time to time, detail one or two permanent captains to the position of acting assistant chief. Such details shall be without any increase in pay. The acting assistant chiefs shall have authority at fires, subject only to the chief and deputy chief. Their commands shall be obeyed as those of superior officers by all other permanent captains, whether senior or junior in point of service. Such details to the position of acting assistant chief may be revoked and given to other department captains at the discretion of the chief of the department.

Substitutes

SECTION 6.* Substitutes shall be selected by the chief from the call force to take the place of permanent members absent through disability or otherwise, provided, however, that filling the places of permanent members on vacation shall be left to the discretion of the chief.

Appointments to call force

SECTION 7. Any resident of the city over twenty-one and less than thirty-five years of age shall be eligible for a membership in the call force. Appointments to the force shall be made by the chief of department after such tests as he may order and in the manner above provided.

Duties of call force

Call members shall respond to all alarms which summon their respective companies, and shall further report outside of business hours at company quarters on all alarms to which their company responds on the next succeeding alarm. "Business hours" herein comprise the hours from six A. M. to six P. M. on week days. Call members shall cease to be a member of the department on reaching the age of sixty-five. Any call member who in any three consecutive months is absent without good reason from more than three fires or alarms of fire to which he should have responded shall be discharged.

Certificate of appointment

Immediately upon the appointment of any regular or substitute member there shall be issued to him a certificate thereof signed by the chief.

*Amendment approved June 4, 1926.

Call substitutes

SECTION 8. Eligible applicants for appointment to the call force, not exceeding four for each call company, may be appointed call substitutes by the chief in the manner above set forth. On reporting to their company officer at any fire they may be assigned regular work with their company should one or more of the call members be absent. In such case they shall be paid one dollar for their services at the fire and their pay shall be deducted from the pay of the call member whom they replace.

Duties of captains

SECTION 9. Captains of companies shall see that the fire apparatus committed to their care, and the buildings in which the same are housed, and all things in or belonging to the same, are kept clean and in order for immediate use; and shall cause the sidewalks and other walks connected with said buildings to be kept clear of snow and ice. They shall preserve order and discipline at all times in their respective companies, and require and enforce compliance with the ordinances, the rules, orders and regulations of the department, and the orders of the chief. They shall forthwith report in writing to the chief the name of any member who shall neglect his duty, or disobey any order aforesaid.

Neglect of duty, disorderly conduct, etc., cause for suspension and discharge

SECTION 10. Any officer or member of a company who shall neglect or refuse to perform his duty, or who shall be guilty of any disorderly conduct or disobedience to any officer shall be suspended and may be discharged by the chief with the approval of the mayor.

Record to be kept of removals and suspensions

SECTION 11. In all cases of discharge or suspension of members of the fire department by the chief, the name of the person removed or suspended, with a statement of the reason therefor, shall be entered on the records of the department, and a copy of the same shall be transmitted at once by the chief to the mayor.

Badges

SECTION 12. Every member of the department shall wear at all fires, such badge as the chief shall prescribe, and no persons without such badge shall enter within the lines formed at any fire, except members of the city council and any person permitted to do so by the chief or deputy chief.

Members of city council, etc., may enter fire lines

Gambling and intoxicating liquors forbidden in department buildings

SECTION 13. No gambling shall be allowed in any building used by the fire department, nor shall intoxicating liquors of any kind be carried into, kept or used, therein.

No company to leave city in case of fire, except by order

SECTION 14. No company shall leave the city in case of fire in a neighboring city or town, except by order of the chief or the mayor, and such order shall only be given in case of great emergency or peril, or at the request of the chief engineer of said city or town.

Chief or deputy chief may order buildings to be pulled down

SECTION 15. The chief or deputy chief present at a place in immediate danger from a fire, may direct any house or building to be pulled down or demolished when he judges the same to be necessary in order to prevent the spreading of fire.

Chief or deputy chief may require assistance at fires, appoint guards and suppress tumults

SECTION 16. The chief, deputy chief or other officers of the fire department may, during the continuance of a fire, demand assistance for extinguishing the same, and for removing furniture, goods or merchandise from a building on fire or in danger thereof; and may appoint guards to secure the same. They may also demand assistance for pulling down or demolishing a house or building when they judge it necessary and may suppress all tumults and disorders at such fire.

Chief to order removal of combustible material

SECTION 17.* The chief may, and upon the complaint of a person having any interest in any building or premises or property adjacent thereto, shall at all reasonable hours, enter into buildings and upon premises and make an investi-

*Amendment approved December 15, 1923.

gation as to the existence of conditions likely to cause fire. He shall in writing order such conditions, if existing, to be remedied, and whenever he finds in any building or upon any premises any accumulation of combustible rubbish, including waste paper, rags, cardboard, string, packing material, sawdust, shavings, sticks, waste leather, rubber, broken boxes, barrels or other refuse that is or may become dangerous as a fire menace to such building or premises, he shall in writing order the same to be removed or remedied. The owner or occupant of any such building may, within twenty-four hours after notice of such an order from the chief, apply to the state fire marshal by whom the matter shall be forthwith investigated. Unless the said marshal revokes the order, it shall remain in force and be at once obeyed by said owner or occupant, who, if he refuses or neglects to comply therewith, shall be punished by a fine of not less than ten nor more than fifty dollars for each day during which such neglect or refusal continues.

Monthly inspection of certain premises

SECTION 18. The chief shall cause the members of the fire department to inspect at least monthly all places used for business or manufacturing purposes, where combustible materials are likely to be collected or deposited and if, on account of the presence of such materials and, under such circumstances, that such members deem it dangerous in case of fire, he shall forthwith report the same to his immediate superior officer who shall cause the removal of such material.

Compensation while ill or injured

SECTION 19. Any permanent member of the fire department may be allowed his full pay for such days as he may be absent from duty as the result of illness or injury incurred while in the performance of his duty, provided, however that the chief shall require a certificate from the city physician stating that his absence from duty was caused by illness or injury, the nature thereof, and the number of days the illness or injury incapacitated the member of the

department from the performance of his duties, and provided, further, that such payments shall not be made for more than thirty days for any injury or sickness unless the city council, upon the recommendation of the chief accompanied by a certificate of the city physician, stating the nature of the injury or sickness, his opinion of the cause of the same and its probable duration, shall by a two-thirds vote of all its members, order payment for a period longer than thirty days.

Vacations

SECTION 20. Each member shall have fourteen days vacation in each year without deduction of pay therefor.

Damaged clothing

SECTION 21. Whenever any member of the department, while in the performance of his duties, shall have any part of his clothing injured to an extent that it is unfit for use, the same shall be reported by the chief, with his recommendation to the city council, who may reimburse such member from the city treasury, if deemed advisable.

Compensation

SECTION 22. Except as provided in the ordinance, no member of the fire department shall receive compensation except for services actually rendered.

CHAPTER XIX.

HACKNEY CARRIAGES, WAGONS AND OTHER VEHICLES.

No person to set up and use hackney carriages for hire without license

SECTION 1. No person shall set up, use or drive any hackney carriage or other vehicle whether on wheels or runners, for the conveyance of persons for hire from place to place within the city, without a license for every such carriage or vehicle from the city council.

No person to set up and use wagons for hire without license

SECTION 2. No person shall set up, use or drive any wagon, dray or other vehicle, whether on wheels or runners, for the conveyance from place to place within the city, for hire, of any goods, wares, merchandise, furniture or any other article, without a license for every such wagon, dray or vehicle, from the city council.

Licenses, how granted

License fees

Transfer of license

SECTION 3. The city council may grant such licenses to suitable persons who are residents of the city or permanently engaged in business herein, and may revoke the same at their discretion. A fee of one dollar shall be paid to the city clerk for the use of the city for every such license, provided however, that any owner of a hackney carriage, job wagon or other vehicle, who is licensed to set up or use more than one such vehicle shall pay one dollar for the first and fifty cents for each additional vehicle so licensed; and all licenses granted as aforesaid shall expire on the first day of February next after the date thereof. No license shall be sold or transferred without the consent of said city council and such consent shall be indorsed on the license and on the record thereof by the city clerk.

Hackney carriage defined

SECTION 4. Every carriage or vehicle, whether on wheels or runners, however drawn or propelled, except street cars, which shall be used for conveyance of persons for hire, from place to place within the city, shall be deemed a hackney carriage within the meaning of this ordinance.

No person under eighteen years of age to drive carriage or wagon without special permit

SECTION 5. No person under eighteen years of age shall drive or have charge of any hackney carriage, wagon, dray or other vehicle, licensed as aforesaid, without special permission from the city council.

No person to permit carriage or wagon to stand in any place other than the one assigned

SECTION 6. No person having charge of any hackney carriage, wagon, dray or other vehicle, licensed as aforesaid, shall permit the same to stand for hire in any other place than that assigned by the city marshal, provided however, the city council may grant licenses for not more than twelve vehicles, licensed under this ordinance, to stand their carriages for hire whether motor driven or otherwise, at the Boston & Maine Railroad station.

Body of deceased person not to be placed in carriage Proviso

SECTION 7. No person having charge of any hackney carriage shall permit the body of any deceased person to be placed in such carriage for conveyance through the city or to any place within the city; provided however, that the body of any child dying under twelve years of age may be so placed and conveyed if consent thereto in writing is first given by the board of health.

City council may establish fares and regulations

SECTION 8. The city council may establish the rates of fare for conveyance of passengers in hackney carriages, and may revise the same at pleasure. Said board may also make rules and orders for the regulation of all licensed carriages and vehicles.

No person to demand or receive higher rate of fare than that established, nor refuse to carry passengers

SECTION 9. No person having charge of any hackney carriages shall demand or receive a higher rate or fare than that established by the city council nor shall unreasonably refuse to carry any passenger from any place to any other place within the city. The driver of every licensed hackney carriage shall have at all times in his possession a copy of the established rates of fare, and shall exhibit the same to any passenger who desires to examine it.

Certain hackney carriages to be fitted with lamps and lighted at night

Number of license to be painted on lamps

SECTION 10. Every person licensed as aforesaid to set up and use any horse drawn hackney carriage, shall cause said carriage to be fitted with a lamp upon each side thereof, which lamps shall have glass fronts and sides and shall be kept lighted at night when the carriage is in use or waiting for passengers, and shall have plainly painted upon the glass covering of each of said lamps the number of the license in figure not less than one inch in length, and so that the same may be distinctly seen. Every person licensed as aforesaid to set up and use any wagon, dray or other vehicle for the conveyance of goods, shall have placed upon the outside and each side thereof, the name of owner and the number of the license, in plain legible letters and figures, not less than one and one-half inches in length, and so that the same may be distinctly seen.

Wagons to have owner's name and number of license placed thereon

Certain passenger vehicles to have two exits

SECTION 11. All vehicles used for the public transportation of passengers within the limits of the city and with a capacity of more than eight persons shall be provided with two means of exits to be placed to the satisfaction of the chief of the fire department.

Revocation of license

SECTION 12. Any owner, driver or other person having charge of hackney carriage or vehicle used as a public conveyance, who violates the provisions of this ordinance relating to the transportation of baggage, or who being otherwise unengaged, refuses to accommodate any passenger wishing to hire him or to transport said passenger's baggage,

or who has charged or attempts to charge a fee exceeding the rate herein established shall, if complaint be made in writing to the city council, have his license revoked, if, after due hearing, the facts warrant the same.

Chauffeur's license required

SECTION 13. All applicants for hackney licenses, who intend to use one or more motor driven conveyances in connection with such license, must state in their application for said hackney license whether or not they or their agent, servant, or employee have a chauffeur's license, duly issued as provided by statute. Unless the applicant, to whom this section applies, has a chauffeur's license as provided by statute, or unless his agent, servant, or employee has such chauffeur's license, said applicant shall not be granted a hackney license.

Rates of fare

SECTION 14. The price or rates of fare to be taken by or paid to the owner, driver or other person having charge of any licensed hackney carriage, whether horse or motor driven, shall be as follows, viz:

(a) For the conveyance from one place to another within the city limits (except as hereinafter provided) between the hours of six-thirty o'clock A. M. and ten o'clock P. M. for one or two adult passengers, fifty cents, and for each adult passenger in excess of two, twenty-five cents.

(b) For conveyance from any portion of the city to which the rate of fare provided in sub-section (a) applies, to any point beyond the junction of Fort Avenue and the road to the City Home; to any point beyond the Marblehead Pumping Station on Loring Avenue; to any point beyond the Salem Hospital on Highland Avenue or from one extreme portion of the city to another extreme portion thereof for one or two adult passengers, seventy-five cents, and for each additional adult passenger, fifty cents.

(c) Between the hours of ten o'clock P. M. and six-thirty o'clock A. M. double the rates provided by the two preceding subsections may be charged.

(d) For the conveyance of persons to any place not hereinbefore specified and for funerals special reasonable rates may be charged.

(e) The charge for hackney carriages drawn by two horses, when hired by the hour, shall be not exceeding one dollar and fifty cents per hour; when drawn by one horse, one dollar per hour, and for motor driven vehicles, when hired by the hour, the charge shall be not exceeding three dollars per hour, and whether horse or motor driven, after the first hour, a proportional part of the rate for one hour. When a carriage is to be used for three or more consecutive hours, such charge, not exceeding one dollar per hour for a two-horse carriage and seventy-five cents per hour for a one-horse carriage, may be made as may be agreed upon between the owner and the party hiring the same.

(f) For children under six years of age, with an adult, no charge shall be made. For children between six and twelve years of age, when accompanied by an adult, the fare shall be half the price charged for an adult, and when not accompanied by an adult, full fare may be charged.

(g) No charge shall be made for one trunk, and the valise or portmanteau of each passenger, but for each additional trunk, more than one, fifteen cents may be charged; and the owner or driver of any hackney carriage shall not be required to take or deposit the baggage of any passenger except from or in the hall or vestibule of any residence or building in the city.

Penalty

SECTION 15. Whoever violates any provision of this ordinance shall be liable to a penalty not exceeding twenty dollars for each offense.

CHAPTER XX.

HAWKERS AND PEDDLERS.

License for peddling

SECTION 1. No person, except one engaged in the pursuit or agriculture, shall go about from place to place within this city exposing for sale or selling, fruits, fish or vegetables in or from any cart, wagon or other vehicle, or in any other manner, without a license therefor from the city council or from the director of standards of the commonwealth.

Licenses granted or revoked by city council

Fee

SECTION 2. The city council shall have authority to grant or revoke all licenses provided for in this ordinance and said licenses shall expire on the thirtieth day of April next after the granting thereof, and all persons who may be licensed as hawkers and pedlers shall pay therefor the sum of ten dollars per annum.

Name and residence to be recorded

SECTION 3. No hawker or pedler shall sell, or offer or expose for sale, any of the articles enumerated in section seventeen chapter one hundred and one of the General Laws or any acts in amendment thereof or in addition thereto until he has recorded his name and residence with the board of control or such other officer as may be designated by the city council.

Badge and number provided to be worn

Penalty

SECTION 4. Every hawker and pedler licensed by the city council shall be assigned a number and shall be provided by the board of control with a badge which shall be conspicuously worn by him; and every such other hawker and pedler as described in section three shall provide himself with a badge, of such type and design as may be approved by said board of control, which he shall in like manner. Whoever neglects to wear, or wear such badge without authority shall be punished by the penalty provided in section nine of this ordinance.

Not to disturb peace

SECTION 5. No person hawking, pedling, selling or exposing for sale any article as aforesaid, shall cry his wares to the disturbance of the peace and comfort of the inhabitants of this city.

Number plate

SECTION 6. Every such vehicle or receptable shall have attached thereto on each side thereof a number plate to be furnished by the city, bearing the license number of said licensee. Said vehicle or receptacle shall be at all times kept neat and clean within and without.

Special permit

SECTION 7. No person shall sell from any cart, wagon or vehicle temporarily having a fixed location within the city except within the limits of the market as a selling stand or from any temporary stand erected within the city any goods, wares or merchandise unless a special permit is first obtained from the board of control which board shall have authority to issue such permits under this section. The fee for such permit shall be two dollars.

License from Commonwealth

SECTION 8. Nothing in this ordinance shall be construed as conflicting with any license issued under the authority of the Commonwealth.

Penalty

SECTION 9. Whoever violates any provision of this ordinance shall be punished by a fine not exceeding twenty dollars for each offense.

CHAPTER XXI.

WEIGHING OF HAY AND OTHER ARTICLES.

Superintendent of hay scales

SECTION 1. The mayor shall appoint, subject to confirmation of the city council, a superintendent of the hay scales who shall serve until another is elected in his place. He may be removed by the mayor, who shall state the cause therefor in his order of removal. A vacancy in the office may be filled by the mayor at any time. The superintendent of the hay scales shall receive such compensation as the city council may determine.

Removal

Compensation

Duties

SECTION 2. It shall be his duty to attend the scales every day throughout the year except Sundays and legal holidays. He shall weigh any hay and other article offered to be weighed, and shall deliver to the driver of every load so weighed, a certificate signed by him, specifying the name and residence of the driver, the article weighed, the weight and tare thereof, the amount of fees received, and the date of the certificates. It shall be his duty to see that the scales are balanced before weighing, to keep the platform clear of obstructions, to examine the scales underneath as often as once a month; and whenever the scales are out of order to immediately notify the mayor in writing.

Record of things weighed

SECTION 3. He shall keep an account of all hay and other articles weighed at said scales and record the same in a book to be furnished by the city clerk; which book shall always be open to public inspection, and shall contain all the items required to be specified in the certificate aforesaid.

Fee for weighing

SECTION 4. The fee for weighing on said scales shall be at the rate of one half of a cent for each hundred pounds; provided however, that the fee for weighing any articles shall in no case be less than ten cents, and that no fee shall be taken for weighing the wagon or vehicle containing the article to be weighed nor for any other tare, nor for any weighing done for the city.

Exception

Annual report

SECTION 5. Said superintendent shall pay to the city treasurer the first of each month all fees received by him during the previous month and shall annually on the first day of February report to the city council the number of loads weighed by him during the preceding fiscal year and the amount of fees received therefor.

CHAPTER XXII.

PUBLIC HEALTH.

Appointment of board of health

SECTION 1. The mayor shall appoint annually in January, subject to confirmation by the city council, one member of the board of health, who shall hold office for the term of three years next suceeding the first Monday in February, unless sooner removed by the mayor for cause. The said board shall be composed of three persons and they shall receive such compensation as the city council may determine.

Organization

SECTION 2. The board of health shall organize annually, in the month of January, by the choise of one of their number as chairman. The said board may appoint a clerk, who shall not be a member of said board, and all subordinate officers, agents and assistants as it may deem necessary; may prescribe their duties, and may fix their compensation, but the whole amount of such compensation in any one year shall not exceed the sum annually appropriated therefor in the annual budget passed by the city council. They may make such rules and regulations for their own government, and for the government of all subordinate officers in their department, as they may deem expedient. The board shall meet at least once in each month, and as often as may be required. They shall keep a record of their proceedings, which record shall at all times be open to the inspection of any member of the city council.

Subordinate officers, duties and compensation

Rules and regulations

Meetings and record

General powers

SECTION 3. The board of health shall have and exercise the power and authority now or hereafter conferred by law

Duties of the board of health

or ordinance. Said board may make such rules and regulations as it judges necessary for the public health and safety respecting nuisances, sources of filth and causes of sickness, within the city, or on board vessels within the harbor, and respecting articles which are capable of containing or conveying infection or contagion, or of creating sickness, brought into or conveyed from the city, or into or from any vessel. Notice of such regulations shall be given as required by statute. Said board shall examine into all such nuisances, sources of filth, and causes of sickness, that may in its opinion be injurious to the health of the inhabitants, and shall destroy, remove or prevent the same as the case may require.

City marshal, city physician, and city solicitor to furnish assistance to board

SECTION 4. The city marshal shall furnish such assistance as may be needed from the police department in carrying out the orders of the board of health; and the city physician and the city solicitor shall furnish such advice and assistance as they may be able to render said board upon its request.

Board of health to make annual report

SECTION 5. Said board shall annually on the first day of February present to the city council a report, containing a full and comprehensive statement of its acts for the preceding fiscal year, and a review of the sanitary condition of the city; the board shall also at any time upon request of the city council make additional reports upon any matter relative to public health.

Board of health to make contracts for the removal of house offal

SECTION 6. Said board of health shall make all contracts and regulations for the removal of house offal. No person shall keep in his house, or on his land or premises, any house offal, unless the same is placed in a suitable vessel, free from ashes and other refuse matter, and so placed as to be easily removed.

Board may remove persons ill of contagious and infectious diseases

SECTION 7. The board of health shall have power to remove, or cause to be removed, from any dwelling-house or other place within said city, any person sick with any contagious or infectious disease dangerous to the public health, or any person who may have been exposed to such contagious or infectious disease, to any hospital or place within the city proper, for the reception of such sick or exposed person; and in case any person sick with such contagious or infectious disease in any house or other place within the said city cannot be removed without danger to his health, the board of health shall have power to cause any house or tenement in the neighborhood to be vacated by the removal of the occupant or occupants thereof, for such time as they shall think expedient, and the safety of the inhabitants may require.

May cause tenements to be vacated

Buildings on street, etc., containing public sewer to be connected therewith

SECTION 8. Every building situated on a public or private street, court or passageway in which there is a public sewer, shall, when required by the board of health, be connected by a good and sufficient particular drain with each public sewer. Any person owning, leasing or maintaining any building not connected with a public sewer as provided in this section shall be punished by a fine not exceeding two hundred dollars as provided by statute.

Penalty for non-compliance

Location of privy vaults regulated

SECTION 9. No privy vault shall be established, either upon premises situated on a public or private street, court or passageway, where there is a public sewer opposite thereto, or upon premises connected with a public or private sewer, without permission in writing first obtained from the board of health. And whenever there is in the city a privy vault so situated which in the opinion of the board of health is injurious to the public health, said board shall declare the same to be a nuisance and forbid its continuance.

Dwelling houses, etc., to be furnished with drains, cesspools, and privies

SECTION 10. The owner, agent, or occupant of any tenement used as a dwelling-house, or of any other building with which there is a privy connected and used, shall furnish the same with a sufficient drain and unless said drain be connected with a common sewer, a cesspool under ground to carry off the waste water, and also with a suitable privy, the vault of which shall be sunk under ground, and be built in the manner hereinafter prescribed and of a capacity proportionate to the number of inhabitants of such house or building; and all such inhabitants shall have the unrestricted use of such a drain, cesspool, privy and vault. No person shall connect any privy or water-closet with any drain discharging into a main drain or common sewer, except under direction of the board of health.

No privy or water-closet to be connected with sewer, except, etc.

Proceedings where a suitable drain, cesspool, and privy is not constructed

SECTION 11. If the board of health shall at any time be satisfied that any dwelling-house or building mentioned in the preceding section is not provided with a suitable drain, cesspool, privy and vault, as aforesaid, they shall give notice, in writing, to the owner, agent, occupant, or other person having the care thereof; and in case neither the owner, agent, nor person having the care thereof is an inhabitant of the city, public notice in a newspaper, printed in Salem, requiring such owner, agent, occupant, or other person, within such time as they shall appoint, to cause a proper and sufficient drain, cesspool, privy and vault, or either of them, to be constructed for such house or building, to be common and subject to the use of all the occupants thereof; and in case of neglect or refusal to obey such notice, the board of health shall cause such drain, cesspool, privy or vault, to be made for such dwelling-house or building, at the expense of such owner, agent, occupant or other person.

Regulations for constructing vaults and privies, and keeping same in proper condition

SECTION 12. All vaults or privies hereafter built shall be so constructed that the inside of the same shall be at least two feet distant from the line of every adjoining lot, unless the owner of said adjoining lot shall otherwise agree and consent in writing, (such consent to be filed in the office of the board of health) and at the same distance from every street, lane, alley, court, square, or public place, or public or private passage way; and they shall be so constructed as to be conveniently approached, opened and cleansed. Every vault shall be made tight; and whenever any drain, cesspool, vault or privy shall become offensive, the same shall be cleansed, and the owner, agent, occupant or other person having charge of the land, in which any drain, cesspool, vault or privy is situated, the condition of which is in violation of the provisions of this ordinance, shall cause the same to be removed, cleansed, altered, amended or repaired, within such reasonable time after notice in writing to that effect, given by the board of health, as shall be expressed in such notice; and in case of neglect or refusal to do so, the board of health may cause the same to be removed, cleansed, altered, amended or repaired, as they may deem expedient, at the expense of the owner, agent, occupant or other person as aforesaid.

May require vaults, etc. to be cleansed

Cleansing of vaults

SECTION 13. Vaults may be opened, and their contents removed under such regulations as the board of health may establish.

Board of health may notify occupants of unfit dwellings to quit

SECTION 14. Said board of health, when satisfied upon due examination that a cellar, room, tenement or building, occupied as a dwelling place has become, by reason of the number of occupants, want of cleanliness, or other cause, unfit for such purpose, and a cause of nuisance or sickness to the occupants or the public, may issue a notice in writing, to such occupants, or any of them, requiring the premises to be put into a proper condition as to cleanliness, or, if they see fit, requiring the occupants to quit the premises within such

time as the board may deem reasonable. If the persons so notified, or any of them, neglect or refuse to comply with the terms of the notice, the board may cause the premises to be properly cleansed at the expense of the owners, or may remove the occupants forcibly and close up the premises, and the same shall not be again occupied as a dwelling place without the consent in writing of the board. If the owner thereafter occupies or knowingly permits the same to be occupied without such permission in writing, he shall forfeit not less than ten or more than fifty dollars as provided by statute.

Penalty

No person, without permission, to throw or deposit in any street or vacant lot or body of water any refuse matter, etc.

SECTION 15. No person shall, without permission from the board of health, throw into or deposit in or upon any street, way, wharf, public place, or vacant lot, or throw into or deposit in any pond, or body of water within the limits of the city, any dead animal, dirt, sawdust, waste water, rubbish, filth or any refuse matter or substance whatever. Nor shall any person throw into or deposit in or upon any dock, flats, or tidewater within the jurisdiction of the city, any dead animal, or any foul or offensive matter, nor land any foul or offensive substance within the city.

Liability for such offences

SECTION 16. If any of the substances mentioned in the preceding section shall be thrown or carried from any house, shop, cellar, yard or other place, or deposited in any of the places specified in said section, without such permission, the owner or occupant of such house, or other place permitting such substance to be thrown, carried or deposited, and any person who actually threw, carried or deposited the same, shall be held liable for a violation of this ordinance; and all such substances shall be removed from the place where they have been thrown, carried or deposited, as aforesaid, by such owner or occupant or other person throwing, carrying or depositing the same, within two hours after personal notice in writing, to that effect, given by the board of health or by the agent, clerk or inspector of said board;

Manner of removal of rubbish, etc.

and in case said notice is not complied with such removal shall be made under the direction of, said agent, clerk or inspector at the expense of such owner, occupant or other person.

Sale of fish regulated

SECTION 17. No person shall, at any time, have in his possession with intent to sell, fish of any kind, except flounders, smelts and other small fish, salmon and shad, until the same have been cleansed of their entrails and other refuse parts, nor fish of any kind, unless they are in covered stalls, or fish boxes, or in covered carts, which shall be kept clean and in good order, and well secured from the rays of the sun.

Rubbish, etc., in and about houses to be removed if deemed injurious

SECTION 18. Any of the substances mentioned in section sixteen found in any house, cellar, yard, or other place, which the board of health may deem injurious to the health of the city shall be removed by and at the expense of the owner or occupant of such house or other place where the same may be found, to such place as shall be directed, within twenty-four hours after personal notice in writing to that effect, given by said board.

Damaged hides, grain, etc., not to be landed without permit

SECTION 19. No person shall bring into the city, or land on any wharf or other place, green or tainted hides, or damaged grain, rice, coffee, fruit, vegetable or animal substance, except in accordance with a permit therefor from the board of health.

Keeping of cows

SECTION 20. No person shall keep, or allow to be kept in any building, or on any premises of which he may be the owner or occupant, any cow, unless such building or premises be kept clean and wholesome and unless he has been granted a permit to do so by the board of health.

Vaccination

SECTION 21. The board of health shall have entire supervision and control of the vaccination of any or all the inhabitants of the city; and shall keep a record of the name, age, residence and date of successful vaccination of each person vaccinated by its order or under its direction, by request of any officer or board of the city or by the city physician; and shall furnish certified copies from such record whenever the same may be necessary or required. Said board shall require and enforce the vaccination and re-vaccination of all the inhabitants of the city whenever in the opinion of said board, the public health or safety requires such action. Every person, who neglects to comply with such requirements, shall forfeit the sum of five dollars as provided by statute. Said board shall furnish the means of free vaccination or re-vaccination to all the inhabitants of the city whenever in the opinion of said board the public safety requires it.

Penalty

Ringing of church bells in case of illness may be forbidden

SECTION 22. No person shall ring a church bell or other bell, when, on account of illness in the neighborhood, such ringing is forbidden by the board of health.

Prosecution of offenders against sanitary regulations

SECTION 23. Whenever any person shall have been duly notified to remove any nuisance, or to cleanse, alter or amend any vault, or to perform any other act or thing which it may be his duty to perform, in obedience to the laws of the commonwealth, or the ordinances relating to the public health, which are now, or which hereafter shall be made by lawful authority, and the time limited for the performance of such duty shall have elapsed without a compliance with such notice, the agent, clerk or inspector aforesaid shall cause all persons who shall have so violated or disobeyed the said health laws and regulations to be forthwith prosecuted. And if, in the opinion of the board of health it shall be for the health or comfort of the inhabitants that any particular nuisance should be forthwith removed, it

Board of health to cause nuisances to be forthwith removed in certain cases

shall be their duty to cause the same to be removed accordingly at the expense of the owner or owners of the land upon which said nuisance exists.

No person to use stable without license

SECTION 24. No person shall erect, occupy or use for a stable, any building unless such use is licensed by the board of health, and in such case only to the extent so licensed.

No person to use livery stable within two hundred feet of a church without the consent of the society

SECTION 25. No person shall occupy or use any building for a livery stable or a stable for taking and keeping horses and carriages for hire or to let within two hundred feet of any church or meeting-house erected and used for the public worship of God, without the consent in writing of the religious society or parish worshipping therein.

Penalty for violation of stable ordinance

SECTION 26. Any person violating the provisions of the two preceding sections shall be punished by a fine of five dollars for each and every day such offence continues, as provided by statute.

No person to keep swine without permit

SECTION 27. No person shall keep any swine within the limits of the city without a written permit from the board of health.

Board of health may permit persons to keep swine, and revoke same

SECTION 28. The board of health may permit any person or persons to keep swine in the city, at such place or places and upon such terms as they may designate in said permit, whenever in their opinion the keeping of the same will not endanger the public health or produce any public inconvenience; and all permits so granted may be revoked at any time by said board, but if not revoked shall expire on the first day of April annually.

City employees to carry refuse

SECTION 29. No person, other than employees of the city, while engaged in city work, shall in any street carry or transport house offal or other refuse matter, except in accordance with a permit from the board of health.

Impure ice

SECTION 30. No person shall sell or keep and expose for sale any impure ice for the purpose of having the same used in any home in this city.

Penalty

SECTION 31. Any person violating any of the provisions of this ordinance shall be liable to a penalty of not more than twenty dollars for each offence, except where herein otherwise stated.

CHAPTER XXIII.

JUNK COLLECTORS.

Granting of licenses

SECTION 1. The city council may license suitable persons to be junk collectors to collect, by purchase or otherwise, junk, old metals and second hand articles from place to place in the city, pursuant to law. Such licenses shall expire on the thirtieth day of April next succeeding their date. For every license issued under this section there shall be paid to the city clerk the sum of five dollars for the use of the city.

Expiration

Fee

Provisions printed on license

SECTION 2. All the provisions of this ordinance shall be printed upon each license issued hereunder; and every such license may be revoked by the city council at pleasure.

Revocation

Must wear badge

SECTION 3. Every junk collector, when engaged in collecting, transporting or dealing in junk, old metals or second hand articles, shall wear upon the front of his hat a badge not less than three inches square on which shall legibly inscribed in Arabic figures of not less than one inch in height the number of his license, and in Roman letters, not less than one-half inch in height, the words "Licensed Junk Collector," such letters and figures to be engraved in black or cut in stencil; and he shall have the words "Licensed Junk Collector" in Roman letters not less than one inch in height and the number of his license in Arabic figures of not less than two inches in height, painted in white on a dark ground or in black on a light ground on each side of his vehicle in such a position as to be distinctly seen and read.

Hours of business

SECTION 4. No junk collector shall purchase any junk, old metals or second hand articles except between the hours of seven o'clock in the morning and six o'clock in the afternoon of any week day.

Must not purchase from minor or apprentice

SECTION 5. No junk collector shall directly or indirectly, purchase or receive, by way of barter or exchange, any junk, old metals or second hand articles from a minor or apprentice, knowing or having reason to believe him to be such.

Exemptions

SECTION 6. All persons who buy second hand books or furniture, but do not buy or sell junk, or old metals, shall be exempt from the provisions of this ordinance.

Penalty

SECTION 7. Whoever, not being so licensed, keeps such shop or is such dealer in the city, or being licensed, is such dealer in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, shall forfeit twenty dollars for each offence; and whoever violates any rule, regulation or restriction contained in his license shall forfeit not more than twenty dollars for each offence.

CHAPTER XXIV.

DEALERS IN JUNK, OLD METALS AND SECOND-HAND ARTICLES.

Granting of licenses

SECTION 1. The city council may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals and second-hand articles, pursuant to law. Such licenses shall not be valid to protect the holders thereof in a building or place other than that designated in the license, unless consent to removal is granted by the city council. Such licenses shall expire on the thirtieth of April next succeeding their date, and may be granted during the month of April to take effect on the first day of May following. For such license so issued there shall be paid to the city clerk the sum of twenty-five dollars for the use of the city.

Expiration

Fee

Provisions printed on license

Revocation

SECTION 2. All the provisions of this ordinance shall be printed upon each license issued hereunder; and every such license may be revoked by the city council at pleasure.

Must keep book of sales with description of articles sold

SECTION 3. Every such shopkeeper shall keep a book in which shall be written, at the time of every purchase, of every article, a description thereof, and the name, age and residence of the person from whom, and the day and hour when such purchase was made, and such book shall at all times be open to the inspection of the mayor and city council, to every police officer or any person authorized by the mayor and city council, to make such inspection. Such book shall be legibly written in the English language and shall show the amount paid for each article. No entry in such book shall be erased, obliterated or defaced.

Shop and merchandise can be examined by city council

SECTION 4. Every such shopkeeper shall allow his shop and all articles of merchandise therein to be at all times examined by any member of the city council or by any person by them authorized by the preceding section to make such examination.

Name and business must be on his shop

SECTION 5. Every such shopkeeper shall put in some suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters.

Article not to be sold until week expires

SECTION 6. No such shopkeeper shall permit to be sold any article purchased or received by him until at least a period of one week from the date of its purchase or receipt has elapsed.

Hours for business

SECTION 7. No such shopkeeper shall have his shop open for the transaction of business, nor shall he purchase any old metals, junk or second-hand articles except between the hours of seven o'clock in the morning and six o'clock in the afternoon of any week day.

Not to buy from minors or apprentices

SECTION 8. No such shopkeeper shall, directly or indirectly, purchase or receive by way of barter or exchange any junk, old metals or second-hand articles from a minor or apprentice, knowing or having reason to believe him to be such.

Buyers of old books exempt

SECTION 9. All persons who buy second hand books or furniture, but do not buy or sell junk, or old metals, shall be exempt from the provisions of this ordinance.

Penalty

SECTION 10. Whoever, not being so licensed, keeps such shop or is such dealer in the city, or being licensed, is such dealer in any other place or manner than that designated in his license, or after notice to him that his license has

been revoked, shall forfeit twenty dollars for each offence; and whoever violates any rule, regulation or restriction contained in his license shall forfeit not more than twenty dollars for each offence.

CHAPTER XXV.

MARKET AND MARKET HOUSE.

Board of control to have supervision

SECTION 1. The market and market house shall be under the supervision of a board of control, consisting of the city marshal, the sealer of weights and measures and the inspector of provisions. Said board shall organize annually by the election of a chairman, a treasurer and a secretary.

Compensation

They shall not be paid any compensation for their services but shall be reimbursed for the expenses incurred by them in the discharge of their duties.

Duties of board

They shall preserve order in the market and market house and carry into effect all the regulations and ordinances concerning the same which may be made and established by the city council from time to time and prosecute all violations of any such regulations and ordinances.

Limits of market

SECTION 2. The market shall include the market house, and the open space adjacent to the Market House extending from Front to Essex Streets and bounded easterly and westerly by private property.

Stands to be assigned

SECTION 3. Said board of control, under the direction of the city council, shall have charge of all carts, wagons, sleighs and other vehicles or carriages within the limits of the market, and may assign stands within said limits for the sale of provisions and other articles. No person shall occupy any other stand than the one so assigned, nor keep any cart, wagon, sleigh or other vehicle or carriage, or horse or other beast within said limits, for any longer space of time, or shall range or locate them in any other manner or form, than the board of control shall direct. Such board of control may, subject to the direction of the city council,

from time to time fix such sums as they may think proper as compensation for permission to stand in the market, as aforesaid, and shall issue permits to all persons so authorized. No person to whom a stand is assigned shall let the said stand to another nor permit any other person excepting the agent or servant of the assignee, to occupy the said stand.

Permit required for sale of certain articles

SECTION 4. No person shall expose for sale or sell fruit, provisions, fish, meats, vegetables, nuts, patented articles of any kind, in or from any stand, cart, wagon or other vehicle within limits of the market without a permit therefor from the board of control.

Holder of permit to have number and wear badge

SECTION 5. The board shall record the name of every person holding such a permit and assign him a number. Every holder of a permit shall provide himself with a badge satisfactory to the board. He shall also see that each helper in his employ for whose conduct he shall be held accountable shall have a similar badge and be so worn. Whoever neglects to use or uses a badge without authority shall be punished by the penalty provided in section nine of this ordinance.

Contents of leases for certain portions of market house and fish market

SECTION 6. Except as provided in leases now in existence, the several stalls and cellars in the market house and the lower floor of the fish market shall be let by the city council upon such terms and conditions as said council may prescribe, but such conditions shall include all the provisions of this ordinance relating to said stalls, cellars and market, and the rent thereof shall be paid to the city collector monthly. No tenant shall underlet the premises rented by him, or any part thereof, nor permit the same, or any part thereof, to be occupied by any other person, nor carry on any other business therein other than that for which the premises are let, without the assent of the city council, under the penalty of forfeiting his right to said premises.

Market to be kept clean

SECTION 7. No tenant shall throw or permit to be thrown into any part of the market limits, or permit to remain within the limits of his stall or cellar, any filth, animal substance, scrapings, or any kind of dirt or useless or offensive matter, but shall place the same in a tight vessel approved by said board of control, and shall cause the same to be removed as said board of control shall direct; and no person shall throw or sweep into the passageways, or on the sidewalks, or into the streets or public places adjoining the market house, or deposit therein or thereon, any filth, animal substance, scrapings or sweepings, salt, brine or pickle or foul water.

Forfeiture of leases

SECTION 8. Except as provided in leases now in existence, if the tenant of any stall or cellar in the market house or of the fish market shall from any cause vacate the same, or shall receive legal notice from the city council to vacate the same, or shall neglect or refuse to pay his rent for the space of seven days after the same shall become due and payable, or shall neglect or refuse to comply with any regulations established for the good order and cleanliness of the market house, the market limits and the adjoining sidewalks and streets, the premises occupied by said tenants shall thereupon revert to the city and be at the disposal of the city council.

Penalty

SECTION 9. Whoever violates any provision of this ordinance shall be punished by a fine of not more than twenty dollars for each offence. A violation of this ordinance shall be sufficient cause for revocation of a permit.

CHAPTER XXVI.

PUBLIC PARKS AND PLAY GROUNDS.

Board of park commissioners

Appointment of park commissioners

Term of office

Compensation

Removal

SECTION 1. The board of park commissioners shall consist of five persons. The mayor shall, annually, before the first Monday in May, with the approval of the city council, appoint a park commissioner who shall hold office for the term of five years from the first Monday in May following such appointment, or until his successor is appointed and qualified. No person shall be appointed who is at the same time a member of the city council, city clerk, or city treasurer. Such commissioners shall serve without compensation, and may be removed at any time before the expiration of their term of office by a two-thirds vote of all the members of the city council.

Duties of board

SECTION 2. The board of park commissioners shall have such powers and duties as are conferred upon them by law.

Annual report

Additional reports

SECTION 3. Said board shall, annually, on the first day of February, make a report to the city council of its doings, including detailed statements of all receipts, expenditures and liabilities for the preceding fiscal year, and shall make any additional reports at any time upon request of the city council, upon any matter relative to parks.

Public playgrounds

SECTION 4. The board of park commissioners may acquire land within the city, in fee or otherwise, by gift, purchase, or by the right of eminent domain, or may lease the same, and prepare, equip and maintain it, or any other land belonging to the city and suitable for the purpose, as a public playground, and may conduct and promote thereon

play, sport and physical education and may construct and maintain buildings therefor on any public playground owned by the city in fee, and for this purpose they may employ such teachers, supervisors and other officials as they may deem best and may determine their compensation.

Teachers, etc., for playgrounds

Superintendents of parks Term of office Compensation

SECTION 5. The board of park commissioners shall appoint a superintendent of parks who shall hold office until his successor is appointed and qualified, unless sooner removed by said board. His compensation shall be determined by the commissioners.

Duties

SECTION 6. The superintendent, under the control and supervision of the board of park commissioners, shall have the care and charge of the parks, shall see that all rules and regulations relative thereto are enforced and shall perform and execute all orders entrusted to him by said commissioners.

CHAPTER XXVII.

PAWNBROKERS.

License

SECTION 1. The city council may license suitable persons to carry on the business of pawnbrokers in this city, subject to the laws of the commonwealth, and may revoke such licenses at pleasure. All licenses shall continue in force until the first day of May following the granting of said license. Whenever such a license is revoked, the city clerk shall note the revocation upon the face of the record thereof, and shall give written notice to him in person or leaving it at the place of business designated in the license.

Revocation

Issue, etc., of license

SECTION 2. Every such license shall be signed by the city clerk, and shall be recorded by him in a book kept for that purpose before being delivered to the licensee; such license shall set forth the name of the person licensed, the nature of the business, and the building or place in which it is to be carried on. No license shall be valid to protect the holder thereof in a building or place other that designated in the license, unless consent to removal is granted by the city council.

Fee

SECTION 3. The fee for any license or renewal, thereof granted hereunder shall be fifty dollars, but if a license is issued on or after November first in any year the fee shall be twenty-five dollars. The licensee shall at the time of receiving his license file with the city clerk a bond as required by law.

Records

SECTION 4. Every person licensed to carry on said business shall keep a book at his place of business, in which he shall, at the time of making a loan, enter in the English

language a minute description of every article purchased or taken in pawn at the time of receiving it, particularly describing any prominent or descriptive marks, and the name, age (when there can be a reasonable doubt as to whether the person is a minor or not), and residence (giving the street and number, if possible) of the person from whom and the day and hour when he purchased it, and the amount paid therefor or loaned thereon, and the number of the pawn ticket.

Not to buy from minors

SECTION 5. No pawnbroker shall, directly or indirectly, receive any article in pawn of any minor, knowing or having reasonable cause to believe him to be such; and no article received in pawn shall be sold until the expiration of the time and in the manner provided by statute. Every pawnbroker licensed as aforesaid shall make out and deliver at the office of the city marshal, each day before the hour of twelve o'clock noon, a legible and true copy of all entries made during the twenty-four hours ending at eight o'clock A. M. of the same day, in the record book required to be kept by section four of this ordinance.

Records to city marshal

Inspection of records

SECTION 6. The city marshal, or the city council, or any police officer authorized by either of them, may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business and examine all articles taken in pawn or kept or stored in or upon said premises, and all books and inventories relating thereto. Any person who wilfully hinders, obstructs or prevents such officers from entering such premises or making such examination shall be punished as provided by statute.

Penalty

SECTION 7. Whoever not being licensed carries on such business or is concerned therein within this city, or being

licensed carries on such business or is concerned therein in any place or manner than that designated in his license, or after notice to him that his license is revoked, shall pay a fine not exceeding fifty dollars for each offence, so provided by statute.

CHAPTER XXVIII.

THE POLICE DEPARTMENT.

Organization of police department

SECTION 1.* A police department is hereby established which shall consist of a city marshal, two captains, four lieutenants, who shall act as inspectors, two sergeants, one of said sergeants to be known as a traffic sergeant, forty-five patrolmen, one of whom shall act as a motor-cycle officer to be on duty in that capacity from April first to November first of each year, and such other times as the city marshal may order, thirteen reserve officers, three chauffeurs, one janitor, three keepers of the lock-up and one matron. Their compensation shall be determined by the city council, but no compensation shall be paid except for one day off in every eight days of actual service and for vacations all as hereinafter provided in section six, unless services have been actually rendered during each day for which compensation is sought.

Compensation

Appointment or marshal

SECTION 2. The mayor shall annually in January, subject to the confirmation of the city council, appoint a city marshal to serve for one year or until his successor is appointed and qualified. A vacancy in the said office shall be filled in the same manner for the remainder of the term. He may be removed for cause by the mayor, subject to the approval of the city council. The ranking officer of the department, in case of a vacancy in the office of marshal, shall have all the powers and perform all the duties of the marshal.

Appointment of members

SECTION 3. The city marshal, shall, with the approval of the mayor, appoint, promote, suspend or remove any member of the police department, but nothing in this section

*Amendment approved June 25, 1925.

contained shall be deemed to affect the tenure of office of any person other than the marshal, now holding office.

Duties of marshal

SECTION 4. The city marshal shall be the head of the police department and shall have entire control of the said department and all its officers and of all constables and other officers when engaged in the services of the city, or when assigned by him to any special duty. He shall designate the beats and hours of service, days off and vacations of all members and may, from time to time, make such transfers from one beat to another as he may deem proper.

To keep record of arrests

He shall keep or cause to be kept a record with a suitable index of every person arrested, the name of the arresting officer, the offence charged, the place of birth, age, height and complexion of the prisoner and such other description as may be useful for his identification; also a record of all complaints made by him or any member of the department and the disposition made of the case with the circumstances thereof. Such record shall be open to the inspection of the mayor and the city council.

Reports

He shall make a monthly written report to the city council of the doings of his department during the preceding month and shall annually on the first day of February make a written report to the city council of the condition of the department and its doings and such other recommendations as he may deem advisable. He shall keep an account of all duties performed by all members of the department, of all absences from duty of members and shall weekly prepare the pay roll of all members entitled to pay and present it to the city auditor. His orders and directions shall be respected and obeyed by all members of the department and he shall be responsible for the discipline and efficiency of his department.

May establish rules

The marshal may establish rules and regulations for the government, disposition and management of the police, consistent with law and with the ordinances of the city, subject to the approval of the mayor and the city council. It shall be his duty to execute and enforce and to cause to be enforced

through and by the members of his department, all laws of the commonwealth, the city ordinances, the orders of the mayor and city council. He shall cause all claims referred to him by the city clerk to be investigated and a report filed with the said city clerk. All defects in streets coming to his attention shall be forthwith reported to the superintendent of streets and all leaks in water pipes shall be immediately reported to the superintendent of water works. He shall render services to the various departments when his aid is requested by the head of such department and shall perform whatever other duties not contrary to law, as may be prescribed to him by the city council. The marshal shall have general charge of all property of the department and shall cause the same to be kept in good order and properly equipped for use. He shall cause the police station to be kept in a clean and neat condition and properly lighted and warmed. The said station shall be furnished by him with a copy of the general laws.

To report defects in streets, etc.

To have charge of property

Charge of police station

Members to be sworn

Duties of members

Uniforms, etc.

SECTION 5. Each member before entering upon the duties of his office shall be sworn to the faithful discharge of duties of the said office. All members of the department shall immediately report to the marshal all defects in highways, all leaks in the water supply, all street lamps which are not burning and all nuisances coming to their attention. They shall obey and execute all orders of their superior officers and shall see that all laws and ordinances are enforced. The members of the department shall wear such uniform, badges and carry such equipment as the marshal may prescribe. All badges, uniform buttons, wreaths, belts, clubs, revolvers and other equipment shall be furnished by the city and shall be returned to the marshal in good condition when any member of the department ceases to belong thereto. No member shall engage, either directly or indirectly, in any other business or employment.

Days off

SECTION 6. All members shall be excused from duty one day out of every eight days of actual service in addition to fourteen days vacation in each year without deduction of pay therefor. No days off shall be reckoned in favor of a member while he is on his annual vacation. The marshal shall have the authority, in case of public emergency or of any unusual demand for the services of the police, to prevent any member of the department from taking the vacation provided herein, or any part of it, at the time assigned to him therefor, provided that such vacation, or part thereof, shall in such case be granted to him as soon thereafter as practicable. During the period of such vacations, police officers shall be exempt from duty at the police station or other places, but otherwise shall be subject to all laws, rules and regulations relating to members of this department.

Sick benefits

SECTION 7. A member disabled by personal injuries or sickness incurred in the performance of his duties shall receive pay for the period so absent from duty, provided however, such payments shall not be made for more than thirty days for any injury or sickness unless the city council, upon recommendation of the marshal accompanied by a certificate of the city physician stating the nature of the injury or sickness, his opinion of the cause of the same and its probable duration, shall by a two-thirds vote of all its members, order payment for a period longer than thirty days.

Reimbusements for damages to clothing

SECTION 8. Whenever any member of the department while in the discharge of his duties, shall have any part of his clothing injured to an extent that it is unfit for use, the same shall be reported by the marshal, with his recommendations to the city council, who may reimburse such member from the city treasury, if deemed advisable.

Fees to be paid to city treasurer

SECTION 9. No member shall be entitled to receive from the first District Court of Essex any fees for arrest or commitments or any other compensation which by law is chargeable to and payable from the fund which may be standing in said Court to the credit of the city. All members shall pay over to the marshal all fees and money received by them as officers or agents of the city and the marshal shall once a month pay over the same to the city treasurer, together with all such fees and moneys received by him in any manner as aforesaid.

Reserve force

SECTION 10. The marshal may assign the members of the reserve force to duty in the city whenever and for such length of time as he may deem necessary and when on duty such members shall have all the powers and duties of regular officers, and shall receive the same compensation as regular officers.

Reserve force days off, vacations, compensation

SECTION 11. Every member of the reserve force after the performance of duty for twenty consecutive days shall be entitled to one day off from duty without loss of pay therefor, and thereafter so long as he shall perform duty continuously shall be entitled to one day off from duty in every ten days without loss of pay therefor, and provided he shall perform duty continuously for one year shall be entitled to fourteen days vacation with pay at the expiration of said year of continuous performance of duty.

Compensation

SECTION 12. Except as provided in this ordinance, no member of the police department shall receive compensation except for services actually rendered.

CHAPTER XXIX.

POOL, BILLIARD AND BOWLING ALLEY LICENSES.

Licenses

SECTION 1. The city council may grant licenses to suitable persons to keep billiard tables, pool tables or bowling alleys for hire, gain and reward, on such terms as they may deem proper, to be used for amusement merely but not for the purpose of gaming, and may revoke the same at their pleasure. The fee for each license shall be three dollars for each table and five dollars for each alley. Such license shall expire on the thirtieth day of April next after its issuance.

Restrictions

SECTION 2. No person, so licensed shall admit a minor to any billiard or pool room or bowling alley, without the written consent of his parents or guardian. No person, so licensed, shall keep open any billiard, or pool room or bowling alley earlier than seven o'clock in the morning nor later than twelve o'clock, midnight, and no person, so licensed, shall keep open any billiard or pool room or bowling alley on the Lord's Day.

No obstructions to view of premises

SECTION 3. No licensee shall place, or maintain or permit to be placed or maintained upon any premises used by him for the playing of billiards or pool or as a bowling alley under the provisions of his license, any screen, blind, shutter, curtain, partition or painted, ground or stained glass window, or any other obstruction, in such a way as to interfere with the view of the business conducted on the premises or with a view of the interior of the said premises.

Forfeiture of license

SECTION 4. Any person, so licensed, who violates, any provision of his license, of law or of this ordinance, shall forthwith forfeit his license.

Penalty

SECTION 5. All persons violating the provisions of this ordinance shall be punished by a fine or not more than twenty dollars, except, where a different penalty is by statute provided.

CHAPTER XXX.

PLUMBING.

No person to engage in or work at plumbing without a license and registration

SECTION 1. No person, firm or corporation shall carry on the business or do any work of plumbing unless such person, firm, or corporation has received a license from the state examiners of plumbers, and registered his or its name and place of business in the office of the board of health, in accordance with the provisions of chapter one hundred and forty-two of the General Laws, or any acts in amendment thereof or additions thereto.

Appointment of inspectors of plumbing

Tenure of office of inspectors

Compensation of inspectors

Duties of inspectors

Inspectors not to be interested in business of plumbing

SECTION 2. The board of health shall appoint one or more inspectors of plumbing who shall be practical plumbers of at least five years' continued practical experience, either as masters or journeymen, during the years next preceding the date of appointment, and who shall hold office until removed by said board of health for cause, which must be shown. All such inspectors shall before appointment be subjected to an examination before the civil service commission. The compensation of such inspectors shall be determined by said board of health, subject to the approval of the city council. Said inspectors shall inspect all plumbing work for which permits are hereafter granted within the city of Salem, in process of constrution, alteration or repair; and shall report to said board of health all violations of any law, ordinance, rule or regulation, relating to plumbing work, shall inspect all pipes, tanks, faucets, valves, and other fixtures by and through which waste water or sewerage is used and carried; report any defect in the same to the board of health, which board may order changes therein to be made by the owners, and also perform such other appropriate duties as may be required. No inspector of plumbing,

while holding office, shall be interested directly or indirectly in the business of plumbing or the furnishing of plumbing materials or supplies. Said board of health may make rules and regulations in regard to plumbing and house drainage, provided the same are not inconsistent with the provisions of this ordinance.

Board of health may make rules and regulations

Board of health to grant permits to do plumbing

SECTION 3.* Upon application of a registered master plumber, on form furnished by the board of health, said board shall grant written permit to do certain plumbing described therein, when in conformity with the law. Drawings of proposed work shall be filed, if required. No permit shall be granted to a person who is not a registered master plumber. Permits may be recalled by the board of health if conditions are violated. Permits for all plumbing, except repair of leaks, must be in the hands of the plumber before beginning work.

Sewer disposal

SECTION 4. The plumbing of each building shall have an independent connection to public sewer or private drain outside of buildings, unless, in the opinion of the authorities, a separate connection is not feasible. If sewer is not available a cesspool shall be provided.

Drainage system

SECTION 5. The house drain shall be from a point ten feet outwardly from inside of wall, and not less than four inches in diameter, and continue with at least one-quarter inch rise per foot to and through roof to a height of at least eight feet where roof is used for clothes-drying or other purposes and at least two feet in any case, and two feet above any chamber or living room window within ten feet. A suitable double hand hole running trap with accessible cleanout shall be placed either outside or inside the foundation wall of buildings. Connections and changes in direction shall be made with long angle and long sweep bends and Y branches. Minimum branch waste from all fixtures except

*Amendment approved April 9, 1929.

water closet and slop sink shall be one and one-half inches. By permission of the board of health, a three-inch soil pipe may be used for one set of bath fixtures, (viz: one water closet, one basin, one bathtub), where it is not practicable to use four inch pipe.

Material of drainage system

SECTION 6. Drain, soil, waste and vent pipes and connections, which collectively make up the drainage system within the building, shall be constructed of the following material:—extra heavy cast iron, galvanized wrought iron, lead and annealed brass pipe, not less than No. 19 Stubbs gauze. Cast iron pipe and fittings shall be of a grade known to the trade as extra heavy, except that above all fixtures vent pipes may be of what is known as standard weight, and all soil pipe and fittings may be plain or coated. All joints in cast iron pipe shall be made with oakum and molten lead, run full and caulked gas and water tight.

SIZES AND WEIGHTS, EXTRA HEAVY CAST IRON PIPE.

	Pounds, per ft.
2 inches	5½
3 inches	9½
4 inches	13
5 inches	17
6 inches	20
8 inches	38⅓
10 inches	45

No slip joints, unions or flanges shall be used on threaded wastes or vents, except that slip joints may be used on house side of trap to connect fixtures. Lead pipe shall be of the following diameters and weights:

Lead pipe, size and weight of

Diameter (inches)	Weight (pounds per ft.)
1½	3
2	4
4	8

Lead bends and traps shall correspond to the above weights. Brass sleeves for connecting lead and cast iron pipes shall be extra heavy. Brass solder nipples for connecting lead and threaded pipes shall be either cast or seamless draw tubing, size and weight corresponding with pipe to be connected. In connecting lead pipe together, or to brass caulking or soldering nipples, full-sized wiped joints shall be used. Cleanouts, plugs, stoppers, or any other fittings used in drainage system, shall correspond in weight and material with above description.

Cleanouts

Fastening of pipes

SECTION 7. Drain, soil, waste and vent pipes shall be properly supported: horizontal runs by supports under, or hung from overhead by iron hanger; vertical stacks by pipe rest at floors, or clamps, drive hooks or hangers to adjacent walls.

Traps

SECTION 8. The waste-pipe of every independent fixture shall be furnished with a separate trap, which shall be placed as near as practicable to the fixture which it serves. A sink and set of wash-trays, or bathtub and basin when they adjoin, may be connected to the house drain through one four-inch round trap where the two fixtures are located so that it requires not more than three feet between each fixture and trap, but the outlet of each fixture shall enter the trap separately. Two wash bowls or sinks in a continuous line may be connected to the house drain through one four-inch round trap. Lead bends for water closets or slop sinks shall not be used to connect waste from other fixtures. Earthen-ware traps shall have heavy brass floor plates bolted to the trap flange. All traps shall be of open form, and traps depending upon concealed partitions to retain their seal will not be approved, except for earthen-ware fixtures, where the trap seal is plainly visible. Trap screws for cleaning purposes shall be placed in all metal traps, and where such traps are placed in connection with fixtures, they shall be so installed that the water seal will protect the trap screw from sewer air.

Special traps

SECTION 9. Every building in which gasoline, naptha, or other inflammable compounds are used for business purposes shall be provided with a special trap or separator, so designed as to prevent the passage of oils into the sewer, and shall be ventilated with a separate pipe, to a point three feet above the roof. The waste of every wash stand for vehicles shall be provided with catch-basin so designed that sand cannot pass into the drain. The waste pipe from the sink of every hotel, restaurant, or other public cooking establishment shall be provided with a grease trap. The waste from every fixture, except refrigerators and other receptacles in which provisions are stored, shall be connected directly with the drain pipe.

Stables, garages, etc.

SECTION 10. Drainage of stalls, stable fixtures, garages and laboratories shall be installed in accordance with the plans approved by the board of health.

Cleanouts to be provided in drain at point where it leaves the building

SECTION 11. A suitable cleanout shall be provided in the drain near the point where it leaves the building in as direct a line as possible with the sewer connection and on all runs of horizontal pipe so as to admit of cleaning from every point. When screw cleanouts are used they are to be of the pattern known as Boston Regulation. The use of plug stoppers is recommended by this board and required on the sewer side of main running trap.

Vents, back air pipes, etc.

SECTION 12. Traps shall be protected from siphonage and back pressure by special iron or brass air pipes of same size as waste; continuous system of venting shall be used, and back air pipe shall not be connected to the trap or branches into the waste pipe except where a continuous vent is not practicable. Traps of 1-2S form shall not have more than twenty-four inches of waste pipe from tap to vent. Round traps not less than nine inches long and four inches in diameter may be placed five feet from vent pipe. One water closet and one other round trap on the same level,

with not more than five feet of waste pipe and which connect with soil or waste pipe not more than eighteen inches below the top water line of the trap with no other fixture above them shall not require other vent than the continuation of the soil or waste pipe full size for its whole length. Lead air pipes may be used for short connections only, and where exposed to view. Schedule of back air pipes and vents for fixtures, as follows:—

Schedule of back air pipes and vents for fixtures

FIXTURES	Size of Pipe (inches)	Greatest length allowed (ft.)	Maximum number of Fixtures
Baths, basins, sinks, urinals	1½	30	3
	2	70	9
	3	70	21
Water-closets or slop sinks.	2	35	3
	3	70	9

Two or more air pipes may be connected together, but such connections must be made above top fixture. All vent pipes shall be at least four inches in diameter where they pass through the roof. Vent lines shall be connected to soil, waste or drain-pipe at bottom with Y and long angle bend, and all air pipes shall be so graded that no condensation will remain in pipes. In case of batteries of water closets, the special air pipe from each trap may be omitted, provided the soil or waste pipe, undiminished in size, is continued to a point above the roof, or revented into the main system above all fixtures on all stacks of pipe above two inches in diameter; the fixtures need not be back vented provided there are no water closets above waste connections, and the trap to be a four-inch round trap with trap screw sealed from sewer air and all fixtures to be not more than ten feet from stack. No ventilation shall be repaired from a round trap four inches or more in diameter in cases where there is no other plumbing than a sink waste and in which no other soil matter is admitted.

Testing and inspection

SECTION 13. Pipes or other fixtures shall not be covered or concealed from view until approved by the inspector. The work shall be examined and tested within two working days after notice that it is ready for inspection. Plumbing shall not be used unless, when roughed in, the wastes, vents, back air pipe and traps are first tested, in the presence of the inspector, by water. On completion of the work, the whole system shall be inspected by the inspector and if required an air test shall be applied.

Board of health to determine number of water closets in certain buildings

SECTION 14.* Every building used for habitation shall have such number of water closets as the board of health may require, but in no case less than one for each tenement. Every building where persons are employed shall have at least one water closet and such additional number of closets as the board of health may require; and in every building where persons of both sexes are employed, separate accommodations shall be furnished for both men and women. Every enclosure containing one or more water closets shall be provided with adequate ventilation to the outer air, either by window or suitable light shaft. No water closet shall be set in any room or apartment that has not a window having an area of at least three square feet, opening directly to the external air. Water closets shall be supplied with water from tank above, or by flush valves set just above the seat, which in turn are supplied from tank or other adequate supply, capable of delivering five gallons of water to the closet in ten seconds. In all cases the flush pipe shall not be less than one and one fourth inches in diameter.

Storm and surface water

SECTION 15. Where surface drains are provided, rain water leaders shall be connected to same. Where not, rain water leaders shall not be connected to sewage stack at any point above basement or cellar ceiling, and shall be properly trapped. Wherever a surface drain is installed in a cellar

*Amendment approved October 27, 1925.

or basement, it shall be provided with a suitable trap, and back water valve. Drain pipes from fixtures subject to back flow from sewer shall be supplied with back water valves.

Refrigerator waste and drip pipe

SECTION 16. All drip or overflow pipes shall be extended to some place in open sight, and in no case shall such pipe be connected directly with the drain pipe. No waste pipe from a refrigerator or other receptacle in which food or provisions are stored shall be connected with a drain, soil or other waste pipe, but shall be separated therefrom by an open sink or tank furnished with a trap. Refrigerator wastes connecting with three or more stories shall be supplied with a trap on the branch for each floor, and extended through the roof.

Steam exhausts, drips, etc.

SECTION 17. No steam exhaust, drip or blower pipe shall be connected to drainage system except through a condensing tank of sufficient capacity to liquify all steam that may be received, and discharge same on sewer side without vapor. Vapor pipe shall be carried from tank to a point three feet above the roof. Where storm drains are provided steam exhaust, drip or blow-off pipes shall be connected with the same.

Hot water boiler

SECTION 18. When hot water boilers are used that depend on their supply direct from the city pressure, they shall be supplied with safety and vacuum valves or other suitable arrangements to prevent the bursting or collapsing of said boilers; said valves or attachments to be satisfactory to the inspector of plumbing.

Application to work already done and to changes in old work

SECTION 19. All work already constructed relating to the plumbing or drainage system shall be open for examination and inspection, and if found dangerous to the public health, shall be reconstructed in a manner satisfactory to

the board of health. All alterations in or additions to the plumbing already constructed shall comply with this ordinance.

Penalty

SECTION 20. Any person violating any provisions of this ordinance or any rule or regulation made thereunder, shall be subject to a fine, not exceeding fifty dollars, for each and every violation thereof, as provided by statute.

CHAPTER XXXI.

CARE OF THE POOR.*

Appointment of overseers of the poor

SECTION 1. In January 1923, the mayor shall, subject to confirmation by the city council, appoint three persons to constitute a board of public welfare, one for the term of three years, one for the term of two years and one for the term of one year, beginning with the first day of February next succeeding his appointment, and until his successor is appointed and qualified and thereafter in January, the mayor, subject to confirmation by the city council, shall appoint a person to be a member of the board of public welfare for three years from the first day of February next succeeding his appointment and until his successor is appointed and qualified. A vacancy shall be filled in the above manner for the remainder of the term. Such board shall have charge of the poor department, which is hereby established and shall have all the rights, powers and duties now or hereafter conferred by law or ordinance upon the board of public welfare. Any member may be removed by the mayor with the approval of the city council. No member of the board of public welfare shall be paid any compensation for his services.

Term of office

Duties

Removal

Compensation

Officers

Records

SECTION 2. The board of public welfare shall, within seven days after their appointment, choose a chairman and a secretary. The secretary may be one of the board. They shall cause to be kept all books and records as provided by law.

Appointment of superintendent of city home

Duties

SECTION 3. The said board may appoint a suitable person to be superintendent of the city home and city farm who shall hold office until his successor is appointed and qualified. It shall be the duty of the said superintendent

*Amendment approved March 16, 1929.

to keep a record of all persons admitted to the said home, specifying for each person, the name, age, sex, place of birth, whether married, single or widowed, the name of husband and wife (if ever married); the dates when admitted and discharged; with such other information as he may be required by said board. He shall receive such compensation as the city council may determine.

Compensation

SECTION 4. The said board may make orders and regulations, for the city home which shall become effective upon their approval by the city council.

Orders, etc., for the city home

SECTION 5. The said superintendent shall keep all books, records, papers, reports and property pertaining to the city home. They may be examined at any time by the city council or by any person appointed for the purpose by the said city council.

Records of city home

SECTION 6. The superintendent shall appoint all necessary assistants and attendants required in the operation and maintenance of the city home. The compensation of all such assistants and attendants shall be fixed by the city council.

Appointment of assistants at city home

Compensation

SECTION 7. The board of public welfare shall appoint, subject to the confirmation of the city council, a suitable person as clerk of the poor department who shall hold office until another is appointed in his place, unless sooner removed. He shall receive such compensation as the city council may determine.

Appointment of clerk

Term of office

Compensation

SECTION 8. The clerk shall perform the duties of clerk of the city home, make out bills for all sums due the city on account for the city home, city farm or otherwise, and deliver the same to the city collector for collection. He shall keep books, wherein he shall enter, so arranged as to be

Duties of clerk

readily referred to, the information required by law in regard to all needy persons aided by the city and all further information as to every case of relief given, asked for or refused, the preservation of which may be of importance to the city or to the commonwealth, stating the amount and kind of aid given, and the reasons for giving such aid or refusing the same. He shall keep a true and correct account of all receipts, and expenditures incurred for the care of the poor, specifying separately the receipts and expenditures on account of the city farm and shall annually on the fifteenth day of January, present to the board of public welfare, a report thereof for the preceding fiscal year. He shall supervise all applications for relief, investigate the same, and report the result thereof to the board of public welfare and shall keep a record of all persons assisted by the city who do not reside in Salem in order that proper charges for the same may be recovered from those liable for their support and a record of those persons having a settlement in Salem who receive aid from other places. He shall perform such other duties as may be required of him by the board of public welfare. All bills against the city on account of the city home, city farm or otherwise, shall after approval by said board of public welfare, be sent to the city auditor as provided by ordinance before payment by the city treasurer.

Annual report of overseers

SECTION 9. The board of public welfare shall annually, on the first day of February, present to the city council a report specifying the work done by the poor department, during the preceding fiscal year, including the expenditures and receipts, the number of inmates at the city home, the number of people given aid and the amount given and all other information which the said board deems of public interest.

CHAPTER XXXII.

PRINTING AND ANNUAL REPORTS.

Printing contracts

SECTION 1. The city clerk, through the purchasing agent, shall contract for the printing of all documents and papers ordered printed by the city council, and for binding the same, when necessary.

Annual reports

SECTION 2. All annual reports shall be submitted on the first day of February, or as soon as practicable thereafter, unless otherwise provided, and shall then be filed in the office of the city clerk. Said reports shall be made up to the close of the preceding fiscal year in duplicate and upon paper of uniform size and quality; provided however, that if any officer retires from office previous to the expiration of his term of service, and before the entire term of the fiscal year, his report shall be made for that portion of the year in which he held office.

Number, style, etc., of documents

SECTION 3. The city clerk shall cause all such reports to be prepared for printing, and a sufficient number printed and bound for the use of the inhabitants of the city, the same to be ready for distribution on or before the first day of April following their presentment and said reports shall be numbered in consecutive order beginning with number "one." All documents printed by order of the city council, or any department, shall be printed in uniform style.

CHAPTER XXXIII.

PUBLIC GUIDES.

Public guides to be licensed

SECTION 1. No person upon any highway shall, for hire or reward, act as a public guide in pointing out to any person any historical object or impart information relative thereto or direct anyone how to arrive at said object, without being licensed by the city council as a public guide.

Guide must wear badge

SECTION 2. Every license shall set forth the name of the person licensed and the person so licensed shall, at all times while engaged in the business of guide, wear conspicuously in sight, a suitable badge with the words "Licensed Public Guide" and the number of his license thereon, and neglect so to do shall be sufficient cause for revocation of his license.

Fee

SECTION 3. The fee for such license shall be one dollar and all licenses shall expire upon the first day of May next succeeding their issue.

Penalty

SECTION 4. Any person violating any of the provisions of this ordinance shall be liable to a fine not exceeding twenty dollars for each offense.

CHAPTER XXXIV.

PUBLIC PROPERTY.

Appointment of superintendent of public property

SECTION 1. The mayor shall annually in January, subject to the confirmation by the city council, appoint a superintendent of public property who shall serve for one year beginning with the first day of February succeeding his appointment and until his successor is appointed and qualified, unless sooner removed. He shall have supervision and control over the public property department which is hereby established. His compensation shall be determined by the city council.

Compensation

Duties

SECTION 2. The superintendent of public property shall rave the general care and superintendence of the erection, construction and maintenance of all buildings, grounds or enclosure belonging to the city, except as otherwise provided by law or ordinance and subject always to such rules, orders and regulations as the city council may adopt. Said superintendent shall have the care of the town hall and the rooms selected for ward and precinct meetings and shall have them kept clean and properly heated, lighted and furnished for said meetings. No building belonging to the city shall be erected or materially altered until the said superintendent and the city council have approved the location and plans but a school building shall not be erected or altered unless the approval of the school committee and mayor is obtained. No building owned by the city shall be erected, nor shall any alteration or repair of any such building be made, except in case of special emergency, if the estimated cost of such erection, alteration or repair shall exceed two hundred dollars, unless the contract therefor is advertised and awarded in accordance with section twenty-eight of chapter forty-three of the General Laws.

Records

SECTION 3. The said superintendent shall cause to be kept a complete and careful record of all his doings in regard to city property and of the exact condition of each parcel of property belonging to the city, with a description of the same also of all leases given to or by the city.

Book of deeds and leases

SECTION 4. Said superintendent shall also cause to be kept a book in which shall be registered all deeds and leases which may be given by or to the city, together with a brief description thereof.

Preservation of plans, etc.

SECTION 5. The said superintendent shall also cause to be carefully preserved all plans, descriptions or surveys of the real estate of the city, which are now or may hereafter be prepared for the use of the city, and whenever any portion of such property is sold, a record of the same shall be made on such plan, description or survey.

Annual report

SECTION 6. The said superintendent shall annually on the first day of February submit to the city council a report of his work during the preceding fiscal year together with a statement of all city property with a schedule thereof.

CHAPTER XXXV.

SALEM PLANNING BOARD.

Salem planning board

SECTION 1. A planning board is hereby established, consisting of five persons, to serve without compensation, none of whom shall be a member of the city council or an officer, (other than school committee), or employee of the city. Said board shall be known as the Salem Planning Board.

Appointment of members

SECTION 2. At the expiration of the term of office of each member, of the planning board, the mayor shall, prior to the first day of May in each year, and subject to confirmation by the city council, appoint a member to this board to serve for the term of five years. Vacancies in the board shall be filled in the above manner for the unexpired term.

Duties

SECTION 3. In addition to the duties prescribed by statute it shall be the duty of said board to study and from time to time point out to the city council such physical improvements as may be deemed desirable, such as the changing of grades and lines of existing streets, the laying out of new streets, ways and squares; the preservation of historical landmarks; the location of statuary, monuments or other works of art; the improvement of the harbor and water front, and in general to point out to the city council such recommendations for the industrial, commercial and civic development of the city as may seem for the best interests of the city and its citizens.

Expert assistance

SECTION 4. The city engineer is hereby authorized to render to said planning board such assistance in making surveys, plans, etc., not inconsistent with his other duties,

as he may be called upon to give, and said board may employ such other expert assistance as may be authorized by the city council.

Annual report

SECTION 5. The said board shall annually on or before February first file a report showing what the board has done since its last report, what suggestions it has to make and such other information it deems of sufficient public interest.

CHAPTER XXXVI.

CITY SEAL.

Design of seal

SECTION 1. The seal of the city shall be circular in form and shall bear upon its face the design hereto annexed and described, as follows: "In the center thereof, a shield, bearing upon it a ship under full sail, approaching a coast designated by the costume of the person standing upon it, and by the trees near him, as a portion of the East Indies. Beneath the shield this motto, "Divitis Indiæ usque ad ultimum sinum;" and above the shield, a dove bearing an olive branch in her mouth. In the circumference encircling the shield the words, "Salem condita A. D. 1626. Civitatis regimine donata A. D. 1836."

Custodian of seal

SECTION 2. The city clerk shall be custodian of the city seal and shall affix, or permit the mayor or any other city officer to affix, the same to any deed, lease, indenture or instrument executed by the city which requires a seal.

Penalty for unauthorized use

SECTION 3. Whoever without being duly authorized thereto, prints, stamps or affixes, or causes to be printed, stamped, engraved or affixed to any paper or other article a representation of the city seal, with intent to give to such paper or article an official character which it does not possess, shall be punished by a fine of not exceeding fifty dollars as provided by statute.

CHAPTER XXXVII.

SEWERS AND DRAINS.

City council may lay and maintain drains and sewers

SECTION 1. The city council may lay, make and maintain all such main drains or common sewers, as they judge to be necessary for the public convenience or the public health through the lands of any persons or corporation, and may repair the same whenever it is necessary. Main drains and common sewers so laid shall be the property of the city, and when laid in any street or way shall be laid as nearly as possible in the middle thereof, and shall be built in such manner and of such materials thereof, as the city council shall direct. When land is taken by virtue of this section, the proceedings shall be those provided by statute.

To be laid in middle of street
Method of construction

Sewer assessments

SECTION 2. Every person who enters his particular drain into such main drain or common sewer, or who, by more remote means, receives benefit thereby for draining his cellar or land shall pay to the city a proportional part of the charge of making and repairing the same, and of the charge, not already assessed, of making and repairing other main drains and common sewers through which the same discharges, to be ascertained, assessed, and certified by the city council; and notice thereof shall be given to the party to be charged, or to his tenant or lessee.

Assessments how made

SECTION 3. Assessments under the previous section shall be made upon owners of estates by a fixed uniform rate, upon the basis provided by statute and according to the frontage of such estates on any street or way where a sewer is constructed and in accordance with section four of this ordinance, but no assessment in respect to any such

estate which by reason of its grade or level, or due to any other cause cannot be drained into such sewer, shall be made, certified or notified, until such incapacity is removed.

One fourth part of expense to be deducted before making assessment or determination

SECTION 4. The city council in making such assessments or determining such reasonable sums, shall first deduct one fourth part of the expense of constructing, maintaining or repairing such main drains or common sewers, to be paid by the city, and shall assess and apportion the remainder thereof upon the persons and estates entering particular drains into, or making use of, such main drains or common sewers, or receiving benefit therefrom by more remote means.

Assessment on frontage of estates regulated

SECTION 5. When estates abut upon more than one street or way, assessments for sewers based upon frontage shall be assessed upon the frontage upon one such street or way and upon so much of such other street or streets, as is not exempted by the city council. The city council may exempt so much of the frontage on such other street or streets as they deem just and equitable.

When order for construction of sewer is passed, city clerk to file declaration in registry of deeds

SECTION 6. Whenever the city council passes an order to lay, make, and maintain or repair a main drain or common sewer, for a portion of the expense of which assessments may be made upon real estate, the city clerk shall file a statement thereof in the registry of deeds and shall notify the parties within the times and in the manner provided by statute.

Sewer assessment, how determined

SECTION 7. The superintendent of streets shall keep an accurate account of the expense of constructing or repairing any main drain or common sewer, and shall report the same to the city council within thirty days after such construction and repair shall be finished, together with a schedule and plan showing the names of the owners of estate abutting on said sewer, or deriving benefit therefrom, the frontage of each

such estate in feet and inches, the total frontage of all such estates, and the assessment to be made on the estates abutting and benefited. The amount ascertained, assessed, and certified by the city council shall be entered by the city clerk in a book kept for the purpose, and shall constitute a lien against the estate to the extent provided by law. The city clerk shall forthwith furnish the board of assessors and the city collector with a certified copy of such schedule, with the order of the city council thereon. The city collector upon receipt of the certified copy of the assessments, with the order thereon, shall forthwith in writing give notice of said assessments and demand payment of the same from the parties liable, and said assessments shall be due and payable thirty days from the date of the assessment list has been committed to the collector, after which time interest shall be charged thereon at the rate of four per cent per annum; provided however, that if notice to apportion the said assessment had been duly filed, then, said assessment shall be due and payable as provided by law, and the first part of said assessment, with interest thereon at the rate of four per cent per annum, shall be added to the next annual tax bill thereafter. The board of assessors shall furnish to the city collector a list of all assessments apportioned as above. The board of assessors is hereby authorized to make apportionments.

Collection of sewer assessments

SECTION 8. The superintendent of streets shall have the general superintendence of all main drains and common sewers, built or owned by the city, and shall have charge of the construction, repair and maintenance thereof. Said superintendent shall have constant care of and keep clean and in proper order and repair all street catch-basins and connecting drains within the limits of any street, and shall keep the entrance to said basins open and clear of ice, so as to permit the flow of surface water into them.

Superintendent of streets to have supervision of drains and construction

Catch basins

City engineer to prepare and keep plans of sewers

SECTION 9. The city engineer shall make and prepare all specifications describing the work of construction, and shall make plans and profiles of all main drains and common sewers showing their location with reference to other drains and sewers and the street lines, and showing the location of all private drains or private sewers entering them; such plans and profiles shall be filed in the office of the city clerk and after being so filed shall be deposited in the office of the city engineer, which shall be deemed a part of the office of the city clerk for the keeping of said plans.

Water and other pipes to be laid so as not to obstruct sewers

SECTION 10. Whenever any street or way is opened for the laying of pipes for water, gas or other purposes, or for the prosecution of any work of construction, all work connected therewith shall be so executed as not to obstruct in any way the course capacity or construction of a common sewer, and whenever any pipe or work of construction is found to exist at such a depth or in such location as to interfere with any existing sewer, or with the construction of any sewer of proper size, depth and grade, the department, corporation or person maintaining the same shall, upon notice thereof from the superintendent of streets, at once, remove, change or alter such pipes or other works, in such manner as said superintendent may direct. If such corporation or person neglects to comply immediately with the terms of such notice, said superintendent may make such removal, change or alteration, and the expense thereof shall be paid by such corporation or person.

No person to enter particular drain or sewer without permit

SECTION 11. No person shall enter a particular drain into any main drain or common sewer, or into a private drain connected with any main drain or common sewer, without a permit in writing from the superintendent of streets, which permit on the completion of the work shall be returned to the said superintendent, indorsed by the drain-layer with a statement of his proceedings thereunder. The inspector, as hereinafter designated, shall place upon said

Granting of permits

return the location of said sewer connection. The superintendent is hereby authorized to grant such permits for estates which abut on the sewer into which an entrance is desired. Each permit and the application therefor shall be subject to the provisions of this ordinance, and shall state in detail the premises to which it applies, and the time, place and manner of constructing such particular drain. All connections with main drains and common sewers shall be made only by a person holding a drainlayer's license or under his supervision and each permit shall be subject to the condition that such entrance shall be made in the presence of an inspector designated by the superintendent of streets. No private or particular drain shall be entered into any main drain or common sewer from any estate or part of an estate not already assessed or not liable to assessment, for the cost of such main drain or sewer, except by the consent of the city council. Every person to whom a permit is granted shall, before such permit is issued, pay to the city treasurer the sum assessed or determined by said council; provided however, that if such sum has not been assessed or determined such permit may be issued subject to the condition that such payment shall be made whenever such sum shall be assessed or determined as aforesaid. Said superintendent of streets, on the first day of each month, shall report to the city council a list of all such permits granted by him during the previous month. On the first day of February the said superintendent shall annually make out a report to the city council showing the number of permits which have been issued, the amount of work done on sewers and all other incidental matter during the preceding fiscal year.

Sum assessed to be paid before permit is issued

Proviso

Superintendent to transmit list of permits and also to make annual report

Drains and sewers, how constructed

SECTION 12. All drains and common sewers in a street or highway shall be substantially made or repaired with brick or stone, or in some other substantial manner as the city council may prescribe. No person shall dig or break up the ground in a street or highway for the laying, altering or repairing of a main drain or common sewer, and no

opening shall be made into a main drain therewith, and no work shall be done in constructing or repairing private drains from any house, cellar, yard or other premises connecting with such main drain or common sewer, except by the superintendent of streets or by persons licensed in writing for that purpose as provided in the following section.

Licenses to drain layers, how granted

SECTION 13. The city council may license suitable and competent persons to be drain layers, and such licenses shall expire on the first day of July next succeeding their issue, and they may be revoked at any time by the said city council. The fee for such licenses shall be at the rate of one dollar per year. Every person so licensed shall, before performing any work authorized thereby, execute a bond to the city, in the sum of five hundred dollars, with a sufficient surety to be approved by the city council, conditioned for the faithful performance of such work as he may execute under his license, and for making good any defects which may appear in any such work performed by him, or by any one under his direction and to hold the city harmless from any liability arising from the performance of such work.

Persons licensed to give bond

Drains subject to action of tide water, how constructed

SECTION 14. No drain connecting with a common sewer, subject to the action of tide water, shall be constructed without a plug or clapper to prevent completely the reflux of drainage matter, storms or tide water.

Control of sewage pumping station

SECTION 15. The control and supervision of the sewage pumping-station shall be vested in the superintendent of streets.

Penalty or cutting into sewer, or entering private drain, except as provided

SECTION 16. Whoever cuts into, interferes with, or obstructs a common sewer, or enters a particular drain therein except as provided in this ordinance, shall be liable to a penalty not exceeding twenty dollars for each offence.

Penalty for constructing drains without license

SECTION 17. If any drain in a street or way be constructed or repaired, or any excavation be made for that purpose, by any person not duly licensed therefor, the person doing such work, and the owner, tenant or agent directing the same, shall each be liable to a penalty not exceeding twenty dollars for each offense.

Penalty

SECTION 18. Whoever digs or breaks up the ground in a public way for the laying, altering or repairing of a drain or sewer without the written consent of the superintendent of streets shall forfeit five dollars for the use of the city.

CHAPTER XXXVIII.

SHADE TREES.

Appointment of superintendent of shade trees

SECTION 1. The mayor shall annually in January, subject to the confirmation of the city council, appoint a superintendent of shade trees to serve for one year from the first day of February succeeding his appointment and until his successor is appointed and qualified. A vacancy in the said office shall be filled in the same manner for the remainder of the term. He may be removed for cause by the mayor, subject to the approval of the city council. The said superintendent may appoint and remove his deputies and assistants. He and they shall receive such compensation as the city council shall determine.

Powers and duties of superintendent

SECTION 2. The said superintendent shall have and possess all the powers and duties conferred and imposed upon him by law. He shall have the care and control of all public shade trees, shrubs and growths within the city, except those within a state highway, and those in public parks or open places under the jurisdiction of the park commissioners and shall enforce all provisions of law for the preservation of such trees, shrubs and growths. He may cut, trim or remove public shade trees when authorized by statute and may grant permits therefor as provided by law.

Planting of shade trees

SECTION 3. The city may appropriate money to be expended by the said superintendent in planting shade trees in the public ways, or, if he deems it expedient, upon adjoining land, at a distance not exceeding twenty feet from said public ways for the purpose of improving, protecting, shading or ornamenting the same; provided, that the written consent of the owner of such adjoining land shall first be obtained.

Signs and marks on shade trees

SECTION 4. Whoever affixes to a tree in a public way or place a notice, sign, advertisement or other thing, whether in writing or otherwise, or cuts, paints or marks such tree, except for the purpose of protecting it or the public and under a written permit from the superintendent shall be punished by a fine of not more than fifty dollars.

Injury to trees of another person

SECTION 5. Whoever wilfully, maliciously or wantonly cuts, destroys or injures a tree, shrub or growth which is not his own, standing for any useful purpose, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

Injury to shrubs, trees and fixtures

SECTION 6.* Whoever wantonly injures, defaces or destroys a shrub, plant or tree, or fixture of ornament or utility, in a public way or place or in any public enclosure, or negligently or wilfully suffers an animal driven by or for him or belonging to him to injure, deface or destroy such shrub, plant, tree or fixture, shall be punished by a fine of not more than five hundred dollars, and shall in addition thereto be liable to the city or any person for all damages to its or his interest in said shrub, plant, tree or fixture caused by such act. Whoever by any other means negligently or wilfully injures, defaces or destroys such a shrub, plant, tree or fixture shall likewise be liable to the city or any person for damages to its or his interest in said shrub, plant, tree or fixture caused by such act.

No person to fasten any animal to a tree

Penalty

SECTION 7. No person shall in any way fasten any horse or other animal to any shade tree, nor allow any animal owned by him or under his control, to stand near to any such tree so that it may be gnawed or injured by such horse or animal, under a penalty of not less than five dollars nor more than twenty dollars for each offence.

*Amendment approved April 2, 1929.

CHAPTER XXXIX.

SIDEWALKS.

Construction of sidewalk when owner of land desires the same

Proviso

SECTION 1. Whenever the owner of any land abutting on a public street or way in this city, desires the construction of a permanent sidewalk in front of such land, the superintendent of streets, shall, under the supervision of the city engineer, cause edgestones to be furnished and set in front of said land at the expense of the city; provided however, that such owner shall first make written application to said superintendent for the same, who shall keep a record of all applications and the applicant shall then deposit with the city collector a sum equal to the cost to the city of laying such sidewalk as shall be stipulated in such application. If within thirty days after such edgestones have been set, such owner shall construct and cover such sidewalk with brick, concrete, or other suitable material, satisfactory to said superintendent, said superintendent shall certify the same in writing and the city treasurer shall, upon the presentation of such certificate, refund to such owner the amount so deposited, but if at the expiration of thirty days from the setting of such edgestones, such owner has not constructed such sidewalk, said superintendent shall proceed to lay and construct the same, and the cost thereof shall be paid from the amount so deposited by such owner.

Superintendent of streets to keep record of edgestones furnished

To make annual report

SECTION 2. Said superintendent shall keep a record of all edgestones furnished and set by the city, stating to whom and the times and places when and where the same were delivered and the expense thereof and shall report to the city engineer on the fifteenth day of January, a statement of the same for the preceding fiscal year.

Edgestones to be set and sidewalks constructed to satisfaction of superintendent of streets Commissioner to keep record of acceptance and to keep sidewalk in repair

SECTION 3. All such edgestones shall be set, and the sidewalks graded, constructed and covered under the direction and to the satisfaction of the superintendent of streets and when so constructed the same shall be accepted by said superintendent and he shall make and keep a record thereof, and furnish a certificate of such acceptance to any such owner who applies therefor, and such sidewalk shall thereafter be kept in repair by said superintendent at the expense of the city.

City council may construct, etc., sidewalks and assess abutters

SECTION 4. The city council may establish and determine the grade and construction of sidewalks, and complete partially constructed sidewalks, with or without edgestones, and may cover the same with brick, flat stones, concrete, gravel, or other appropriate material in such streets of the city as in their judgment the public convenience may require, and may assess the abutters on such sidewalks, as provided by law. The council may also cause edgestones to be set and gravel sidewalks constructed in any public street in the city, whenever they deem it necessary for the better protection of the street or foot travellers, and the expense thereof shall be paid from the appropriation for the department of public works, provided however, that no such edgestone shall be set or sidewalk constructed, until city council has by vote authorized the same, specifying therein the exact location of such sidewalk and the length thereof, with the name of the owner or owners of the abutting estate.

May also construct gravel sidewalks when necessary to protect street, etc.

Expense, how paid

Removal of snow from sidewalks

SECTION 5. The tenant or occupant, and in case there shall be no tenant or occupant, the owner, or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place, within the city, where there is a sidewalk, shall cause all snow that may be on such sidewalk to be removed therefrom within six hours after the snow ceases to fall if it ceases to fall in the day time and before twelve o'clock at noon if

it ceases to fall in the night time, and if he neglects so to do, he shall be liable to a penalty not less than two dollars nor more than ten dollars for each offence. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

Removal of ice from sidewalks

SECTION 6. Whenever any sidewalk, or any part thereof, adjoining any building or lot of land on any street, lane, court, square or public place is encumbered with ice, it shall be the duty of the tenant or occupant, and in case there is no tenant or occupant, the owner, or any person having the care of such building or lot, to cause such sidewalk to be made safe and convenient, by removing the ice therefrom, or by making such ice even and keeping it covered with sand, ashes or some other suitable material to prevent slipping, within six hours after the ice forms if in the day time, and before twelve o'clock noon if it forms in the night time; and if he neglects so to do, he shall be liable to a penalty not less than two dollars nor more than ten dollars for each offence.

Certain barbed wire fences forbidden

SECTION 7. No barbed wire fence shall be built or maintained within six feet above the ground along any sidewalk located on or upon any public street or highway.

Charge for changing curb

SECTION 8.* Whenever application is made for changing curb to make driveway across sidewalk, the owner shall be required to pay a fee of one dollar per linear foot for width or driveway, same to be paid in advance.

Penalty

SECTION 9.* Whoever violates any provision in this chapter shall, unless a different penalty is herein otherwise specially provided, be punished by a fine not exceeding twenty dollars for each offense.

*Amendment approved October 27, 1925.

CHAPTER XL.

STATE AND MILITARY AID.

Mayor and city council to have charge of military aid

SECTION 1. The mayor and city council, under the direction of the soldier's relief commissioner, shall have full charge of all matters pertaining to state or military aid.

Clerk of military aid

SECTION 2. The mayor shall annually in January, subject to the confirmation of the city council, appoint a clerk of military aid to serve for one year beginning with the first day of February succeeding his appointment. He shall pay state and military aid in the manner and form prescribed by law and subject to the conditions and restrictions contained in the statutes. He shall annually on the first day of February make a written report to the mayor and the city council showing the payments made, the number of persons assisted and such other information which he deems of public interest.

Office hours

SECTION 3. Said clerk shall have an office in the city hall which shall be open from three o'clock P. M. until five o'clock P. M. on Monday and Thursday afternoons. If said Monday or Thursday shall be a legal holiday, the office shall be open on the succeeding day.

Designation of persons to care for interment of soldiers dying without means to defray funeral expenses

SECTION 4.* The mayor shall annually in January designate a burial agent, who shall not be one of the board of public welfare or be employed by them, who shall, under regulations established by the soldiers' relief commissioner, cause properly to be interred the body of such honorably discharged soldier, sailor or marine, who served in the army or navy of the United States, in the service or at the times

*Amendment approved April 2, 1929.

prescribed by statute, who may hereafter die in the city, without leaving sufficient means to defray funeral expenses. He shall perform the duties imposed upon him by law and shall receive therefor the compensation set forth in the statute.

SECTION 5. The mayor shall annually appoint a person who shall see that every cemetery lot where there is a grave of any person who has served in the army, navy or marine corps in time of insurrection or war and who was honorably discharged or released from active duty therein, is suitably kept and cared for. The cost of care and maintenance of such graves shall be paid as provided by statute.

CHAPTER XLI.

LAYING OUT AND ALTERATION OF STREETS.

Naming of streets

SECTION 1. The several streets, ways and squares in the city shall continue to be called and known by the names heretofore established; and all streets and ways hereafter laid out and accepted shall be named by the city council. The city council may change the name of any street or way at any time, and the superintendent of streets shall place and maintain suitable street signs on each street heretofore and hereafter named by the city council.

City clerk to keep record of streets accepted, altered, etc.

SECTION 2. The city clerk shall keep a book, in which shall be recorded and alphabetically arranged the names of all the streets and ways in the city which are laid out and accepted with the date of such laying out and acceptance, the width of such streets and ways, and all alterations made therein from time to time by the city council.

Numbering of houses, etc.

SECTION 3. The city council may cause numbers in regular series to be affixed to or inscribed on all dwelling houses and other buildings, now or hereafter erected on any street or way in the city; and may determine the form, size and material of such numbers, and the manner, place and order of affixing or inscribing them thereon. Any person who shall affix or permit to remain more than one week on any such house or building, any number contrary to the direction of said council, shall be liable to a penalty not exceeding twenty dollars.

Penalty

City council may lay out and alter streets and estimate damages

SECTION 4. The city council may lay out any new street or way, or widen or otherwise alter, or discontinue any street or way, and estimate the damages any individual may sustain thereby; all in the manner and form prescribed by law.

Notice and hearing on laying out and altering streets

SECTION 4a.* No street or way shall be laid out, altered or discontinued, unless seven days at least previously thereto a written notice of the intention of the city council to lay out, alter or discontinue the same, is left by them, or by their order, at the usual place of abode of the owner or owners of the land over which such street or way is proposed to be laid out, altered or discontinued, or unless such notice is delivered to such owner in person or to his tenant or authorized agent; provided, that if the owner has no such place of abode in the city, and no tenant or authorized agent therein known to the city council, or if, being a resident in the city, he is not known as such to said council, such notice shall be posted up in some public place in the city, or advertised in one or more newspapers of the city, seven days at least before the laying out, altering or discontinuing of such street or way. Said notice shall specify the time and place appointed by the city council for meeting and hearing the parties interested therein. The city council shall not issue the order of notice aforesaid until a detailed plan of the proposed laying out, alteration or discontinuance drawn by a competent engineer, has been filed in the office of the city clerk, such plan to be furnished at the expense of the petitioners, if any, and to be and remain the property of the city. At the time and place appointed and notified as aforesaid, the city council shall meet, and hear all parties interested who claim to be heard, and may view the premises. And if said council in their judgment, deem that the common convenience and benefit of the inhabitants of the city require such street or way to be laid out, altered or discontinued, they may proceed to lay out, alter or discontinue said street

*Amendment approved April 9, 1929.

or way, and shall fix the boundaries and measurements of the same, and determine what damages, if any, are sustained by any person in his property, by the laying out, altering or discontinuing of such street or way, the amount of compensation said person shall receive, specify the manner in which such laying or alteration shall be completed, and the time allowed the owner or owners of the land through which said street or way may pass to take off trees, fences and other property, which may obstruct the building of such street or way.

Bound stones

SECTION 5. The city council shall cause permanent bound stones or monuments to be erected as provided by statute, at the termini and angles of all streets or ways laid out or altered by the city council.

No new street to be less than forty feet in width

SECTION 6. No new street or way, except a footway, shall be laid out and accepted by the city council of a less width than forty feet, provided the land through which it runs, and the estates adjoining said street or way will admit of such width without material injury to the same; but the

Exception as to old streets

city council may lay out and accept any old street or way, whenever, in their judgment, the common convenience and benefit of the inhabitants require it.

Streets leading to rivers, etc., to be laid out to low water mark

SECTION 7. No street or way leading directly to any river, pond, or other body of water, shall be opened, laid out and accepted by the city council, unless it extends to low water mark, if in the opinion of the city council it may be so extended without material injury to any adjoining estate.

City clerk to notify owners of land of time allowed for removal of trees, fences, and other property

SECTION 8. Upon the laying out, alteration or widening of a street, the city clerk shall notify every owner of land through which the street passes of the time allowed to take off his trees, fences and other property which will obstruct the building of such street, and said clerk shall keep a record of the time of sending such notices.

Specifications for new streets

SECTION 9. No new street or way hereafter constructed on private lands by the owners thereof shall be laid out or accepted as a public street of the city, unless previously constructed and completed in accordance with the specifications hereinafter set forth.

(a) A plan and profile prepared at the expense of the petitioner of every proposed street shall be filed in the office of the city clerk, showing the present length, width, lines and grade of the street which they desire to have laid out, widened, altered or discontinued; the abutting lands, with the fences and buildings thereon, and the length of frontage of each estate; the lands to be taken, and the names of the owners of said lands, and also showing, in red ink, the proposed lines and grade of said street.

(b) Every such street shall be constructed not less than forty feet in width, and conform to a cross-section plan to be approved by the city engineer, and shall have a road bed equal to two-thirds of the width of said street.

(c) The entire area of every such street shall first be cleared of all stumps, roots, brush and like material, and all trees not intended for preservation.

(d) All loam and loamy material shall be removed from the limits of the street, inclusive of sidewalks, to such depth as may be approved by the city engineer; and shall be carefully deposited in piles or spread on either side of the street, but in no case within the limits of such street.

(e) All work in excavation or embankment shall be brought accurately to a sub-grade of not less than eight inches for the roadway and four inches for the sidewalk below finished grade. All side slopes in excavation and on the adjoining land shall be at the ratio of at least two horizontal to one vertical, to a subgrade twelve inches below finished grade.

(f) All rock and boulders in excavation shall be removed from the street or used in embankments. Embankments shall be made of clean sand, gravel, cinders, furnace slag, sound rock, or broken stone only. Under no

circumstances shall any perishable material be used for the making of street embankments.

(g) Above said sub-grade and to finished grade good binding gravel or broken stone shall be used. Both the roadway and sidewalks shall be well wetted and rolled.

(h) All corners of intersecting streets shall be rounded as approved by said city engineer, and granite bounds shall be set at all angles and curves by the owners, at their own expense, before being accepted.

CHAPTER XLII.

STREETS.

Grazing animals not to go at large in streets

SECTION 1. No owner or person having the charge of any horse, cow, swine, goat or other grazing animal shall permit the same to go at large in any street, and no unbridled horse shall be fed in any street.

Animals not to be fastened to lamp poles or posts

SECTION 2. No person shall fasten any horse or other animal to any lamp-post, telegraph, electric light or telephone pole or shade tree in any street of the city.

No loitering on sidewalks

SECTION 3. No person shall saunter or loiter in a street, public place or upon any sidewalk to the inconvenience of foot travelers, nor shall three or more persons obstruct or unreasonably persist in remaining upon any sidewalk or in a street or public place after having been requested by a police officer to move on. No person shall remain upon any sidewalk, or public walk, fence, steps or porch to the annoyance of other people.

Coasting forbidden

SECTION 4. No person shall coast in any street except in such places as are designated by the city council.

Street not to be opened without permit

SECTION 5. No person, firm or corporation shall break or dig up any part of the surface of any street (including sidewalks) or remove any gravel or other material therefrom, except by permission of the superintendent of streets. Whenever any person, firm or corporation breaks or digs up any part of the surface of any street (including sidewalks) or removes any gravel or other material therefrom, either to lay pipes, rails or conduits, or for any other purpose whatever, said person, firm or corporation shall cause the same

to be repaired and restored to the satisfaction of said superintendent of streets, and if such person, firm or corporation fails to so repair and restore within ten days after notification so to do, the superintendent of streets shall furnish the material and labor necessary to put said street into condition satisfactory to him and charge the expense thereof to such person, firm or corporation, which shall reimburse the city for the cost thereof within thirty days thereafter. No permit to dip up any street shall be given until the applicant agrees in writing to comply with the foregoing requirements, and if required, give a bond, with surety satisfactory to said superintendent of streets.

Portion of street dug up to be inclosed by rail or fence

SECTION 6. Whenever any street is open or dug up, the person in charge of the work which is being performed shall cause a sufficient rail or fence to be erected so as to inclose that portion of the street or way so open or dug up, and the material thrown therefrom to be placed therein; and such fence shall be continued during the whole time such street is open or dug up and a lighted lantern or some other proper and sufficient light shall be affixed to said fence, or placed in the immediate vicinity thereof, between sunset and sunrise.

Bounds of street to be ascertained before building

Encroachments on streets

SECTION 7. No person shall erect or cause to be erected, any fence or building on the line of any street without first ascertaining the bounds of the street from the superintendent of streets. If any encroachment shall be made upon any street, and the party making it neglects or refuses to remove the same, the superintendent of streets shall cause the person or persons so offending to be prosecuted for such offence.

No excavation for coal holes, etc., allowed without permit

SECTION 8. No person shall make any permanent excavation under the surface of any street or sidewalk in the city, for the purpose of constructing a coal hole, or for light and air, or for an entrance or for any other purpose, without permission of the city council and no person shall

leave such coal hole or other aperture open or unfastened between sunset and sunrise in any case, nor in the daytime, unless actually in use and guarded by one or more persons.

No grating to be placed without permit

SECTION 9. No person shall place or maintain a grating in any street, without permission of the city council and the spaces between the bars of every grating so placed shall not be more than three quarters of an inch in width and no grating shall project more than two feet into the street.

Ice and snow thrown into street to be spread evenly on surface

SECTION 10. No person shall throw any ice or snow into or place the same in any street outside of the sidewalk, unless the same is spread evenly on the surface of such street at the time it is so thrown or placed. Snow and ice from any roof or yard shall not be thrown into any street unless it is immediately removed therefrom.

Snow and ice from roofs and yards

Construction of oil wagons

SECTION 11. No person shall transport, convey or carry, or caused to be transported, conveyed or carried, through any street or way of the city, any kerosene oil, refined petroleum, gas house products and similar substances, unless the vehicles, barrels or vessels in which said oil, or any of them are contained while being transported, conveyed or carried shall be so constructed and maintained as to prevent the escape therefrom of any of their contents.

Oil wagons not to leak

SECTION 12. Each tank-wagon or other vehicle used in transporting through any street or way of the city, kerosene oil, refined petroleum, gas house products, and similar substances for the purpose of selling, delivering or distributing the same, shall where the contents of such tank-wagon or other vehicle is delivered by means of a faucet or faucets, have permanently attached thereto beneath each said faucet or faucets a drip pan of such size and form as shall be approved by the superintendent of streets, in order that said oil and products, while being transported, delivered

or distributed as aforesaid, shall not drip or fall upon the surface of any street or way of the city.

Notices, etc., not to be painted on sidewalks, poles, etc., nor on city property without consent

SECTION 13. No person except a city official for a municipal purpose shall post up, or affix in any manner, or paint, print or write, or cause to be painted, printed, or written a notice, advertisement or bill, upon a curbstone sidewalk, telegraph pole, electric light pole, telephone pole, or lamp-post, in any street, or upon a wall fence or building belonging to the city.

Certain displays on billboards prohibited

SECTION 14. No person shall, within the limits of this city post, paint, print or display or cause to be posted, painted, printed or displayed, upon a billboard or signboard, or in any place where the same may be seen from a public street or square, any poster bill, placard or other thing containing obscene, indecent or impure language or manifestly tending to corrupt the morals of youth, or any pictorial representation of the commission of, or attempt to commit any crime, assault or breach of the peace.

Shooting, playing ball, throwing stones, snowballs, etc.

Distribution of hand bills

SECTION 15. No person shall shoot with or use a bow or arrow, sling or air-gun, play ball, or fly any kite or balloon, or throw a stone, snow ball or other missile in any street, nor shall any person distribute in any street or from any building or vehicle to persons on the street, handbills, cards, circulars or papers of any kind except newspapers.

No person to discharge firearms in street

SECTION 16. No person except in the performance of some public duty shall discharge any gun, cannon, field piece, pistol or other firearms upon the public street, square, common or other public place within the city.

Bathers to be properly clothed

SECTION 17. No person shall swim or bathe in any of the waters within or surrounding the city unless properly clothed.

Disorderly behavior and indecent language

SECTION 18. No person shall behave himself in a rude, indecent or disorderly manner, or use any indecent, profane or insulting language in any street, to the annoyance or disturbance of any person.

Speakers, musicians and singers to be licensed

SECTION 19. No person or persons, other than a regularly organized band, shall play upon any musical instrument in any street, and no person shall sing at any public gathering or exercises in any street or address any public gathering in any street without having first been duly licensed therefor by the city council.

Unlawful games forbidden

SECTION 20. No person shall expose in any street, or other public place, any table, or device by or upon which any unlawful game of chance or hazard is played, nor shall any person play any unlawful game in any street or public place.

No awning, shade, etc., to be placed without permit

SECTION 21. No person shall place or maintain any awning, canopy, shade or frame for the same in any street, without written permission from the city council, which may be revoked at any time, nor unless the same shall be safely and securely fastened, and so located and constructed as not to interfere with pedestrians, and so that the lowest part thereof shall in no case be less than eight feet above the sidewalk and the person so placing or maintaining the same shall conform to any direction relative to the materials, construction and maintenance thereof which shall be given by said city council. The city council may order the immediate removal of any awning, canopy, shade or frame which now is or hereafter may be placed or maintained over any street, and if the owner or any person having the care thereof shall neglect or refuse for five days to comply with the order aforesaid the superintendent of streets shall cause the same to be removed at the expense of such owner or person.

Removal of same

No post to be placed in street without permit

SECTION 22. No person shall place or maintain any post in any street except by permission of the city council, which permit may be revoked at any time unless otherwise provided by ordinance or statute.

Signs, etc., not to project into street without permit

SECTION 23. No person except as provided in section thirteen and section twenty-four shall insert a sign in any sidewalk nor place or maintain a sign sign-board, show bill, lantern, show-board, goods, wares or other articles so as to project into or overhang any sidewalk or street.

Sizes and kind of signs permitted

SECTION 24. The city council may grant permits to construct or place and maintain electrically illuminated signs to extend not more than two and one-half feet from the face of the buildings to which they are affixed and to be not less than ten feet above the level of the sidewalk and may also grant permits for unilluminated signs to extend not more than two and one-half feet from the face of the buildings to which they are affixed, and to be not more than two and one-half feet in height, nor with a superficial area on either side of more than five square feet, nor to be less than ten feet from the level of the sidewalk; provided, however, that no such permits shall be granted until a full description of such sign shall be furnished and that such permit shall not be effective so as to free the applicant from the penalty provided in the next section until the superintendent of streets or such other officer, as may be designated by the city council, shall have certified that such signs are securely fastened so as not to endanger persons upon the sidewalk or street and provided, further, that illuminated signs now in existence and extending not more than three feet from the face of the building to which they are affixed and otherwise in conformity with this ordinance may be permitted to remain in their present position. This section shall not apply to signs projecting over the street for a distance of less than six inches.

Signs to be securely fastened

Penalty relating to signs

SECTION 25. Whoever places or causes to be constructed or placed, or maintains any sign extending into or above any street or sidewalk, except in accordance with the provisions of the statutes and the preceding section, shall be liable to the penalty provided by law.

No person to place dirt, etc., in any drinking fountain

SECTION 26. No person shall injure or place in any drinking fountain, trough or basin of water set up or established in any street or public place for the use of man or beast, any dirt, stone, ashes, rubbish, filth, or other foreign matter.

Show cards, placards, etc., not to be placed or carried in street or on sidewalk

SECTION 27. No person unless authorized by the city council shall place or carry, or cause to be placed or carried in or upon any street or sidewalk, any show-board, placard or sign, for the purpose of displaying or attracting attention to the same.

Lumber, boxes, etc., not to be placed on sidewalk

SECTION 28. No person shall place, or cause to be placed, upon any sidewalk any lumber, iron, coal, trunk, bale, box, crate, cask, package, article or any thing whatsoever, so as to obstruct passage for travellers for more than fifteen minutes.

Contents of ash barrels, etc., not to be spilled on sidewalk; banana skins, etc., not to be thrown on sidewalk

SECTION 29. No person shall wilfully and maliciously tip over and spill out the contents of any box, barrel or vessel containing ashes or rubbish set upon the sidewalk. No person shall throw or place upon any sidewalk or street crossing any banana skin, orange peel, or other slippery substance. All waste paper, paper boxes, card board and similar material which are to be removed by the ash collectors, shall be placed in separate receptacles, and no such material shall be mixed with the ashes to be collected. If no separate receptacle is used, then all waste paper, paper boxes, card board and similar material shall be made into bundles securely fastened in a manner to prevent the same from being blown or scattered about the streets.

Paper and ashes to be separated for collection

Iron, nails, etc., not to be placed in street

SECTION 30. No person, except by permission of the city council or other board of officers of the city thereto duly authorized, or except an officer or employee of the city necessarily in the performance of his duty as such officer or employee, shall put or place or cause to be put or placed in or upon any street, land, alley or public place in the city, glass, scrap iron, nails, tacks, ware or other similar articles or substances.

Removal of snow from tracks of street railway

SECTION 31. No person shall run a snow-plough or remove snow from the tracks of a street railway in the streets of the city, unless he removes from such streets, outside of the tracks and between the rails and the sidewalk, an amount of snow sufficient to make such streets safe and convenient for public travel and all removal of snow from the streets by a street railway corporation shall be done under the direction and to the satisfaction of the superintendent of streets.

Sprinkling of salt on street railway tracks, etc.

SECTION 23. No person shall, for the purpose of melting snow on the tracks or rails of a street railway in any street sprinkle salt thereon, or cause or allow such sprinkling to be done, nor shall any person for such purpose wash any such tracks or rails, or cause them to be washed, with brine or pickle, except by the written permission of the superintendent of streets.

Salt or brine not to be deposited in street

SECTION 33. No person shall deposit upon any street or way any salt or brine or any substance containing salt or brine except as provided in the preceding section; nor shall any person permit or cause salt or brine to be discharged or flow from any vehicle into any street or way.

Dirt and paper not to be deposited in street

SECTION 34. No person shall deposit upon any street or way, dirt, paper or other refuse, either by sweeping from any building or otherwise.

No prosecution to be made unless complaint is made within six months

SECTION 35. No person shall be prosecuted or tried for any breach of any of the provisions of this ordinance, unless complaint for the same shall be instituted and commenced within six months from the time of committing such breach.

Penalty

SECTION 36. Whoever violates any provision of this ordinance, shall, unless a different penalty is herein otherwise specially provided, be punished by a fine not exceeding twenty dollars for each offence.

CHAPTER XLIII.

STREET TRAFFIC.

SECTION 1. Traffic upon or proceeding along any public street or way within the city of Salem shall conform to the following rules:

Keep to the right

1. Vehicles shall keep to the right as near the right hand curb as possible.

Vehicles meeting

2. Vehicles meeting shall pass each other to the right.

Vehicles overtaking others

3. Vehicles overtaking others shall in passing keep to the left.

Turning and starting

4. The driver or person having charge of any vehicle, before turning the corner of any street or turning out or starting from or stopping at the curb line of any street, shall first see that there is sufficient space free from other vehicles, so that such turn, stop or start may be safely made, and shall then give a plainly visible signal.

Turning to street on right

5. A vehicle turning to the right into another street shall turn the corner as near to the curb as practicable.

Turning to street on left

6. A vehicle turning to the left into another street shall pass to the right and beyond the center of the street intersection before turning.

Vehicles backed to curbing

7. In no case shall a vehicle remain backed up to the curbing, excepting when actually loading, or unloading, and excepting as hereinafter provided, and then no part of

the body, apron cover, tailboard or flooring of said vehicle shall project over beyond the curb line onto the sidewalk more than two feet.

Crossing streets

8. A vehicle crossing from one side of the street to the other shall do so by turning to the left so as to head in the same direction as the traffic on that side of the street.

Stop close to curbing

9. Except in an emergency or to allow another vehicle or pedestiran to cross its path, no vehicle shall stop in any public street or highway unless both wheels on the side nearer the curb are within six inches of said curb; except that vehicles may stand on the westerly side of Washington Street between Essex and Norman Streets excepting within seventy-five feet of Essex Street and excepting also that portion opposite the junction of Barton Square provided, that both wheels on the easterly side of the vehicle are within six inches of the curbing of the tunnel, and vehicles between the hours of two P. M. and five P. M. and between seven P. M. and eleven P. M may stand on the easterly side of Crombie Street with both wheels on the easterly side of the vehicle within six inches of the curb on the easterly side of said street

Stopping near corners

10. No vehicle shall stop or stand within the intersection of any street or within ten feet of a street corner curb line.

Street car taking on or discharging passengers

11. Street cars shall not stop to discharge or take on passengers on Essex Street between St. Peter Street and Town House Square nor between Town House Square and North Street.

Right of way to certain vehicles

12. The officers and men of the fire department, with their fire apparatus of all kinds, when going to or on duty at or returning from a fire, and all ambulances and the

officers and men and vehicles of the police department shall have the right of way in any street, and through any procession.

Signal for slowing up or stopping

13. In slowing up, or stopping, a signal shall always be given to those behind, by extending the whip or hand vertically or horizontally or other appropriate signal.

Warning by motor vehicles

14. Drivers of motor vehicles of all kinds, shall, in approaching a crossway or rounding a corner or curve of a public street, sound their signals in such a way as to give warning to other vehicles and to pedestrians of their approach.

Certain vehicles not to be turned about on portions of certain streets

15. No vehicle incapable of being turned without backing shall be turned around upon the following portions of the following streets; Essex Street from Washington Square West to North Street; Washington Street from Front to Federal Streets; Central Street from Essex to New Derby Streets.

Position of vehicle backed to curb

16. All horse-drawn vehicles backed up to the curb shall have the horses so turned as to stand parallel with the curbing and headed in the general direction of travel for the side of the street on which the vehicle is standing.

Slowly moving vehicles

17. Vehicles moving slowly shall keep as close as possible to the curb line on the right, so as to allow faster moving vehicles free passage on the left.

Bells to be attached to sleighs and sleds

18. No person shall drive an animal drawing a sleigh or sled in a street during any time that snow or ice covers the streets unless bells are attached to the shaft or pole of such sleigh or sled or to the animal, or to some part of the harness thereon.

Exceptions

19. Nothing in these rules shall apply to the apparatus and wagons of the fire and police departments, ambulances or emergency repair wagons of street railroads.

Parking on certain streets

20. No person having charge of any vehicle, other than those mentioned in the preceding section, shall allow it to remain standing on Essex Street between Liberty and North Streets or upon Washington Street from Lynde to Front Streets for a consecutive period longer than fifteen minutes between the hours 9:30 A. M. and 6 P. M.

To be stopped and directed by police officer

21. No person having charge of a vehicle or street car in a public street shall refuse or neglect to stop the same or place the same as directed by a police officer, any of these rules to the contrary notwithstanding.

Not to obstruct street cars

22. The driver of any vehicle proceeding on the track in front of a street car shall, as soon as possible, turn out on a signal from the motorman or conductor of the car.

Vehicles not to stop on crossings

23. No person shall stop any carriage or other vehicle or permit any carriage or other vehicle under his care or control to stop upon or across any street crossing.

Vehicles not to stop near hydrants

24. No person shall stop with any carriage or other vehicle or permit any carriage or other vehicle, under his care or control to stop, upon any street within eight feet of a fire hydrant.

Speed limit

25. No person operating a motor vehicle shall run it at a rate of speed greater than that permitted by law and a rate exceeding fifteen miles per hour shall be prima facie of an illegal speed upon the following streets: Boston, Bridge, North, Washington and Lafayette Streets, and upon the following described portions of the streets hereafter named: Essex Street between North and Boston Streets;

Federal Street between Washington and Boston Streets; Highland Avenue between Essex Street and the Salem Hospital; Loring Avenue between Lafayette Street and the Boston and Maine Crossing.

No vehicle shall stop except for receiving or discharging passengers, etc., on named streets

26. No vehicle, unless in an emergency, shall stop except for the purpose of receiving or discharging passengers or for loading or unloading goods, in the following portions of the streets hereinafter named: on Washington Street (except the westerly portion between Essex and Norman Streets) within fifty feet of Essex Street; Essex Street within seventy-five feet of Washington Street; Washington Street within forty feet of Lynde Street; Lynde Street within forty feet of Washington Street; St. Peter Street within fifty feet of Essex Street; Essex Street within fifty feet of St. Peter Street; Central Street within seventy-five feet of Essex Street; Essex Street fifty feet from the junction of Central Street; Washington Square West fifty feet from Essex Street; North Street seventy-five feet from Essex Street; Essex Street fifty feet easterly from North Street; Summer Street fifty feet from Essex Street; Church Street forty feet from Washington Street; Washington Street twenty-five feet from Church Street.

Parking vehicles

27.* Vehicles shall park only on the following portions of the streets hereafter named: St. Peter Street between Brown and Essex Streets, easterly side; Lynde Street, southerly side; Brown Street, northerly side; Church Street, northerly side; Central Street, both sides; Federal Street between Federal Court and North Street, northerley side; Federal Street between North and St. Peter Streets, southerly side; Washington Street between Church and Federal Streets, both sides; New Derby Street between Washington and Lafayette Streets, both sides; Derby Street between Lafayette Street and Hawthorne Boulevard, both

*Amendment approved July 13, 1928.

sides; Washington Street between Essex and Norman Streets, westerly side to within seventy-five feet of Norman Street and to within one hundred feet of Essex Street; Liberty Street, westerly side; North Street between Essex and Lynde Streets, easterly side; Rust Street, Westerly side; Ash Street, westerly side; Crombie Street, easterly side; Canal Street between Mill Street and Ocean Avenue, easterly side; Lafayette Street between Front and New Derby Streets, to within one hundred and twenty feet of Front Street on easterly side; Washington Street, west side between Bridge and Federal Streets, no parking allowed; Sewall Street, no parking allowed; Norman Street between Margin and Summer Streets, no parking allowed; parking on the above-mentioned streets to be for a consecutive period not longer than thirty minutes between the hours 9.30 A. M. and 6 P. M.; but nothing herein contained shall be so construed as to be inconsistent with the provisions of the preceding section. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

One-way streets

28.** No vehicle shall pass through the following streets except in the direction respectively designated; Federal Street between St. Peter and North Streets, westerly; Barton Square, southerly and easterly; Washington Street west side between Essex and Norman Streets, southerly; Charter Street from the Boulevard, westerly to Liberty Street; Howard Street northerly to Bridge Street; Lynde Street, easterly to Washington Street; Sewall Street northerly to Lynde Street; Church Street, easterly; Central Street, between Essex and Front Streets, southerly; Liberty Street, between Charter and Essex Streets, northerly; Essex Street, between St. Peter and North Streets, westerly; Randall Street, easterly to North Street, Crombie Street northerly from Norman to Essex Streets. All ordinances inconsistent herewith are repealed.

**Amendments approved July 20, 1925, and February 15, 1929.

Motor trucks not to enter Federal St. between points mentioned

29. No motor trucks shall be operated upon that portion of Federal Street between North and Boston Streets, provided however, that such vehicles may enter Federal Street on intersecting streets nearest the point of delivery of goods at houses located upon said portion of Federal Street.

Street cars approaching fire station

30. Street railroad cars on approaching a fire station shall stop fifty feet away from said station and also fifty feet from the junction of Church and Washington Streets and shall not proceed except upon signal from a traffic officer, if there is one stationed at that point, or until it has been determined that said car will not block in any way the approach of fire apparatus.

Street car to stop until fire apparatus has passed

31. A street car upon the approach of fire apparatus in answer to an alarm of fire shall immediately stop until said apparatus has passed or overtaken the said car.

Vehicles loaded with bulky materials may be diverted

32. Vehicles loaded with bulky or weighty materials may be diverted by the members of police department from passing along Essex Street between St. Peter and North Streets. Such vehicles, however, may enter the aforesaid portion of Essex Street by intersecting streets nearest the points of delivery of such loads on Essex Street.

Material extends out of vehicle more than three feet, proper signal must be given

33. Whenever the load on a vehicle extends more than three feet from the rear of the vehicle, a red flag must be conspicuously fastened, at the rear end of the load in the day time, and a red light in the night time.

Vehicles not to be driven upon sidewalks except in certain cases

SECTION 2. Except as provided in this section, no horse, wheelbarrow or other vehicle shall be driven, backed, led or allowed to stand on any sidewalk, except that wares or merchandise, in process of loading or unloading, shipment or being received from shipment may be transferred from

trucks or other vehicles over the sidewalk by the use of skids, provided a passageway is kept open within the stoop line of buildings for passage of pedestrians, and provided this section shall not apply to children's carriages drawn by hand. Nothing contained in this section shall prevent the riding or driving of horses or vehicles from private property directly across the sidewalks of any street to the roadway or from the roadway back to such private property.

Police department has full power relative to traffic

SECTION 3. The police department shall have full powers and duties relative to the management of vehicular traffic and street cars. The driver or persons having charge of any vehicle shall stop whenever ordered to do so by a police officer, and shall not proceed until he receives a signal so to do from such police officer. The signal to stop may be given by raising the hand vertically. The police department shall see that this ordinance is posted in all public stables, and shall keep copies of same at all its stations and issue them upon application.

Restricted streets

SECTION 4. Between the hours of 9:30 A. M. and 5:30 P. M. in the following named streets there shall be no collections of garbage, refuse or waste materials, the cleaning out of cesspools or the opening of manholes, the relaying or repairing of lighting system, except in an emergency: Essex between North Street and Washington Square, Washington between Lynde and Front Streets; St. Peter Street from Essex to Brown Streets; Brown Street, Central Street from Essex Street to Charter Street, and Front Street.

Suspension of this section

Any emergency requiring the suspension of this section shall be certified to by the city marshal or the mayor.

Penalty

SECTION 5. Whoever violates any of the above sections shall be liable to a penalty not exceeding twenty dollars for each offense.

CHAPTER XLIV.

SUPERINTENDENT OF STREETS.

Appointment of superintendent of streets

SECTION 1. The city engineer, subject to the approval of the City Council, shall appoint annually in January, a person qualified by training and experience, to be superintendent of streets who shall serve for the term of one year from the first day of February succeeding his appointment and until his successor is appointed and qualified. He shall have all the powers, duties and authority conferred upon him by law or ordinance. He shall receive such compensation for his services as the city council may determine.

Compensation

Head of subdivision of public works

SECTION 2. The superintendent of streets shall be the head of a subdivision of the department of public works as established by the ordinance set forth in chapter eight.

Office hours

SECTION 3. The superintendent of streets shall be in his office in the City Hall each business day from eleven-thirty o'clock A. M. until twelve-thirty o'clock P. M., unless necessarily detained elsewhere by business. He shall keep a record of all his proceedings, and a set of books in which shall be entered, under appropriate heads, the receipts and expenditures in his division of the department of public works with the names of all persons who have furnished materials, and of all workmen and the amount paid or due each. On the fifteenth day of January, he shall annually, submit a report to the city engineer containing a statement in detail of the expenses of his division during the preceding fiscal year, the amount expended on the various streets, and for constructing and repairing main drains or common sewers, and such other information as he may consider desirable, together with an estimate in detail of the property

To keep record of contracts, receipts, etc.

To make annual report

under his charge belonging to the city. He shall make a similar report at any other time upon request of the city engineer. He shall keep an exact account of his receipts and expenditures, and present the same monthly to the said city engineer for his examination.

Monthly report of receipts and expenditures

SECTION 4. The superintendent of streets shall have the care and charge of the public streets and places, highways and lanes, sidewalks and bridges of the city; shall attend to the construction, grading, widening and alteration thereof, and cause the same to be kept in good repair, so as to be safe and convenient for travel; secure all labor that may be required in the discharge of his official duty, and have the general control of all persons employed in the street department and shall procure all necessary material through the purchasing agent. He shall keep the streets clean and in good order, and shall remove all nuisances, obstructions and encroachments therein, or give notice thereof to the mayor, city marshal, city engineer, or board of health, as may be required. He shall also have charge of the collection of ashes.

To have care of streets and sidewalks, etc., and grading, etc., thereof

May contract for labor and hire employees

To keep streets clean and remove obstructions, etc.

Collection of ashes

SECTION 5. The superintendent of streets shall have the care and superintendence of the stables, horses, carts, tools, implements, and all other property connected with the street department, and shall cause the same to be kept in good condition and repair.

To have care of stables

SECTION 6. Every officer or person employed by the city, upon learning of any defect, obstruction or want of repair, in any public street or place, shall forthwith notify the superintendent of streets and said superintendent, or some competent person detailed by him, shall examine the same without delay, and if it appears from such examination that the city is liable for the repair or removal of such defect or obstruction said superintendent shall forthwith cause the same to be repaired or removed. Whenever any

Notice of defect in streets to be given to superintendent

Defects to be repaired forthwith

highway, street or bridge is, from any cause, unsafe for travellers the superintendent of streets shall forthwith put up a suitable fence across such highway, street or bridge, and exclude all travellers from passing over the same; or cause the part thereof, so rendered unsafe to be enclosed by a sufficient fence, which shall be kept standing so long as the place remains unsafe and inconvenient; and he shall also attach one or more lanterns to such fence, or in some other proper manner, and keep the same lighted throughout each and every night such fence is kept standing.

When street or bridge is unsafe, fence to be erected, etc.

When new street to be constructed, or surface of any street to be broken up, superintendent to notify certain companies

Abutters to be also notified

No person to break up surface of street for one year after notice is given, except, etc.

Streets not to be opened by drain layers between November 15 and April 1

SECTION 7. Whenever the superintendent of streets is about to construct a new street, or to break up the surface of any street, he shall, at least two weeks before beginning work thereon, notify the Salem Gas Light Company and the Eastern Massachusetts Street Railway Company and every other person, firm or corporation, if he or they have any pipes or tracks in such street. If any person, firm or corporation has any work to be done in the street or streets designated in the notice, they shall consult and arrange with said superintendent in order that such work may be done before the surface of such street is prepared anew for public travel. He shall also notify the abutters on such street and all other persons interested therein by publishing a notice of the work proposed in a Salem newspaper three weeks at least before beginning said work, and if any abutter or other person desires to open said street or to do any work therein, application for a permit therefor shall be made forthwith, in order that such work may be done before the surface of the street is prepared as aforesaid. After such notice and opportunity have been given, no person, firm or corporation shall for the space of one year, break up the surface of such street so prepared, except in case of necessity, to be certified to and approved by the said superintendent. No street or way shall be opened by drain-layers or other persons, between the fifteenth day of November and the first day of the following April, except in cases of necessity

certified to and approved by the said superintendent but nothing in this section shall prevent connection being made with a common sewer or drain when ordered by the board of health.

CHAPTER XLV.

TRUANT AND NEGLECTED CHILDREN.

Appointment of trustees

SECTION 1. The mayor shall, with the approval of the city council, annually in the month of January, appoint two trustees of the Plummer Farm School, who shall hold office for five years from the first day of February in the year in which they are appointed. Vacancies in the board of trustees of said school shall be filled at any time in the above manner for the remainder of the term. The said trustees shall have all the powers and authority conferred upon them by law and shall perform the duties prescribed by statute.

Place provided for confinement of truants, etc.

SECTION 2. The Plummer Farm School of Reform for Boys is hereby assigned and provided as a suitable place for the confinement, discipline and instruction of habitual truants, and children between seven and fifteen years of age who may be found wandering about the streets or public places of this city, having no lawful occupation or business, nor attending school and growing up in ignorance, and such children as persistently violate the reasonable rules and regulations of the public schools. Any minor convicted under the provisions of this section may be committed to said school of reform, to be there kept and governed as provided by law.

CHAPTER XLVI.

TRUST FUNDS.

Appointment of commissioners

SECTION 1. The mayor, subject to confirmation by the city council, shall hereafter at the expiration of the term of service of any member of the board of trust fund commissioners, appoint a person to serve as such commissioner for the term of twelve years. In case a vacancy shall occur among the members of the board it shall be filled by appointment as aforesaid for the unexpired term. Any commissioner may be removed by the city council, subject to approval of the mayor. The mayor shall be ex-officio a member of and chairman of the said board. The board shall serve without compensation.

Duties of commissioners

SECTION 2. The said board of commissioners shall, so far as is consistent with the terms of the trust under which trust funds are held by the city, invest, manage, control, and have custody of all such funds, and, as a part of such management, shall distribute the income of said funds in accordance with the terms of the respective trusts. The board shall keep a record of its doings, and at the close of every fiscal year shall make a report thereof to the city council.

Peele Fund

SECTION 3. The income of the Peele Fund shall be expended under the joint supervision of the board of commissioners of trust funds and the committee on public property for the purposes and in the manner specified in the bequest of said fund.

Lowe Fund

SECTION 4. The commissioners shall attribute the income from A. A. Lowe Fund as directed by the board of trustees composed of the mayor, the president of the city council and such member of the school committee as the first two designated trustees shall select.

CHAPTER XLVII.

WARD BOUNDARIES.

Division of city into six wards

SECTION 1. The division of the city of Salem into six wards shall remain as heretofore established until otherwise provided, and the several wards shall be known, bounded and described, as follows:—

Ward One, how bounded

Ward One. All that part of the city enclosed by a line commencing at the eastern end of Essex Street at Collins' Cove and running southwesterly and westerly across the tracks of the Boston and Maine Railroad and through the middle of Essex Street to the center of Town House Square, so called, thence turning and running southerly by the middle of the location of the Boston and Maine Railroad to and through the passenger station of said railroad to a point where the middle of New Derby Street, if extended, would cross said location, thence turning and running easterly by said extension of the middle line of New Derby Street across Washington Street, then through the middle of said New Derby Street to the Channel of the South River and thence by said channel to Salem harbor and by Salem harbor around Winter Island and Salem Neck and through Collins' Cove to the point begun at, together with all the islands in the harbor, shall constitute a separate ward and be denominated Ward One.

Ward Two, how bounded

Ward Two. All that part of the city enclosed by a line commencing at the eastern end of Essex Street at Collins' Cove, and running southwesterly and westerly across the tracks of the Boston and Maine Railroad and through the middle of Essex Street to the center of Town House Square, so called, thence turning and running northerly through the

middle of Washington Street and continuing in a straight line to the channel of the North River, thence turning and running northerly and easterly by the channel of said river to the Beverly boundary line on Essex Bridge and thence by Beverly Harbor and Collins' Cove to the point begun at, shall constitute a separate ward, and be denominated Ward Two.

Ward Three, how bounded

Ward Three. All that part of the city enclosed by a line commencing at the center of Town House Square, so called, and running westerly and southwesterly through the middle of Essex Street and Highland Avenue to the boundary line between Lynn and Salem, thence turning and running easterly by the Lynn and Swampscott bounds to the middle of the location of the main line of the Boston and Maine Railroad, thence turning and running northeasterly and then northerly by the middle of said location to the center of Town House Square and the point begun at, shall constitute a separate ward, and be denominated Ward Three.

Ward Four, how bounded

Ward Four. All that part of the city enclosed by a line commencing at the center of Town House Square, so called, and running westerly and southwesterly through the middle of Essex Street and Highland Avenue to the boundary line between Lynn and Salem, thence turning and running westerly by the Lynn bounds to the Lynn, Peabody and Salem bound stone at Spring Pond, so called, thence turning and running northeasterly, northerly, easterly and again northerly by the Peabody bounds to the boundstone at North River canal, so called, thence turning and running southeasterly and northeasterly by said canal, and the channel of North River to the angle formed by the boundary lines of ward two, in said channel, thence turning and running southerly by the boundary line of ward two to the center of Town House Square, and point begun at, shall constitute a separate ward, and be denominated Ward Four.

Ward Five, how bounded

Ward Five. All that part of the city enclosed by a line commencing at the eastern end of New Derby Street, at its junction with Lafayette Street, thence running westerly through the middle of New Derby Street and across Washington Street to the middle of the location of the Boston and Maine Railroad within the passenger station of said railroad, thence turning and running southerly and southwesterly by the middle of said location of the main line of said railroad to the boundary line between Swampscott and Salem, thence turning and running easterly, northeasterly and northerly by the Swampscott and Marblehead bounds to Salem harbor, thence by said harbor to the channel of the South River, thence by said channel to Lafayette Street to New Derby Street, and the point begun at, shall constitute a separate ward, and be denominated Ward Five.

Ward Six, how bounded

Ward Six. All that part of the city lying northerly and westerly of the channel of the North River, and northerly and easterly of the North River canal, so called, shall constitute a separate ward, and be denominated Ward Six.

CHAPTER XLVIII.

WATER DEPARTMENT.

Water department in charge of city engineer

SECTION 1. The water department which is hereby created shall be a sub-division of the department of public works and shall be under the charge and control of the city engineer who shall exercise general supervision over the water works and all materials connected herewith.

Appointment of superintendent of water works

SECTION 2. The city engineer shall annually in January appoint a person qualified by training and experience to be superintendent of water works, who shall hold office for one year from the first day of February succeeding his appointment and until his successor is appointed and qualified, unless sooner removed by the city engineer. He shall have all the powers and duties conferred by law or ordinance upon such an official but subject in all things to the direction and control of said engineer. His compensation shall be determined by the city council.

General powers and duties

Compensation

Appointment of clerks, etc.

SECTION 3. The city engineer shall appoint a clerk of the water department who shall hold office until his successor is appointed and qualified, unless sooner removed by the city engineer. He shall receive such compensation as the city council shall determine. All other subordinate officers, agents and assistants in this department shall be appointed by the superintendent and their compensation shall be fixed by the city council.

Compensation

Duties of superintendent

SECTION 4. The superintendent shall have charge of Wenham Lake, the aqueducts, lands, reservoirs, and other works, material and property connected with the water-works, except so far as the same are entrusted to and under the

control of the Salem and Beverly Water Supply Board as set forth in the Acts of 1913, chapter seven hundred, section ten, or any acts in amendment thereof or in addition thereto and he shall perform all such services in relation thereto as may be required of him by the city engineer. He shall annually on the first day of January, present to the city engineer a report of the general condition of the water works, and such other matter as he may deem expedient.

Annual report

SECTION 5. The clerk of the water department shall visit and inspect or cause to be visited and inspected, once in each year and whenever necessary, the premises of every person taking water, and he shall exercise constant control over the use of water, and attend to the enforcement of all regulations relating thereto. He shall make out the annual bill for water rates and deliver the same to the city collector on or before the first day of April in each year, and shall make out bills for all other amounts payable to the city on account of the water-works, and deliver the same to the city collector, from time, to time, as they become due. Bills for metered water shall be rendered and due as hereinafter provided. All the bills so delivered shall be numbered to correspond with the number of the charge on his books. A certificate of every abatement and refund shall be furnished by the clerk to the city collector, which certificate shall state the account on which it is allowed, and the number of the bill. The clerk shall, on the first day of every month, report in writing to the city auditor the amount of the bills of each class placed in the hands of the city collector for collection, and also the amount abated, or ordered to be refunded during the preceding month. He shall annually on the fifteenth day of January present to the city engineer, a report containing statement of the number of water-takers, the number of cases where the water has been cut off, the number and amount of abatements, the amount of the bills sent to the city collector, the amount of the uncollected bills, and the receipts and expenditures in the water

Duties of clerk

To make out water bills

Abatements

To make monthly report to auditor

Annual report

Clerk to keep books

department, during the preceding fiscal year and also such other matters as he may deem expedient. He shall keep books and enter therein the names and number of all water takers, the kind of building, the street, name and number, the nature of the use, the number of taps and the amounts charged and abated, and said books shall always be open to the inspection of any member of the city council. He shall perform such other services as may be required of him by the city engineer.

Superintendent of water works to make repairs, etc.

SECTION 6. The superintendent, under the direction of the city engineer, shall have full power to make all necessary repairs extensions or improvements on said works, and to provide, through the purchasing agent, new supply-pipes and other necessary materials; provided, however, that no such supply pipe shall be laid or placed on private premises at the expense of the city. All hydrants, standipes and drinking fountains, established by the city, shall be constructed and all repairs thereto made, by the water department and the streets if broken for the making of said repairs shall again be put in good order to the satisfaction of the superintendent of streets, all by the said department of water works. The superintendent however shall have no power to expend any money, or incur any debt, in excess of the appropriations made for this department by the city council.

Superintendent not to exceed appropriation

City council may establish regulations for the use of water

SECTION 7. The city council may establish, in addition to the regulations herein established, such regulations as it may deem expedient for the introduction and use of water; and water shall not be supplied to any building or premises unless the pipes and fixtures are made conformable to such regulations. The following regulations, and such regulations as may be established by the city council, shall be considered a part of the contract with every person who takes water; and every such person by taking the water, shall be considered to express his assent to be bound thereby. Said regulations shall be printed upon every water bill, and

Regulations to be considered part of contract with water-takers

whenever any of them is violated, the clerk of the water department shall cause the water to be cut off from the premises (notwithstanding two or more parties may receive the water through the same pipe) and it shall not be let on again except on payment of two dollars and all chargeable rates; and further that in case of any such violation, the superintendent of water works may declare forfeited any payment made for water by the person committing such violation and the same shall thereupon be forfeited. And in case of a subsequent offense, the water shall be cut off and shall not be let on again, except by a vote of the city council, and the payment of such fine, not exceeding ten dollars, as said council may impose. Said regulations are as follows:—

Penalty

Regulations.

First. All applications for the use of water must be made at the office of the water department, and the various uses to which the water is to be applied must be stated fully and correctly. If water is required for any other purpose, notice must be given to said department before use of the same will be allowed. All applicants for whom a service pipe is laid shall be charged not less than three dollars annually, whether the water is used or not, until such time as the city shall be re-imbursed in full for the expense of laying such pipe.

Applications for water, how made

Applicants to be charged not less than three dollars annually

Second. All persons taking the water shall, at their own expense keep the service pipes and fixtures within their premises in good repair and protected from frost and they will be held liable for all damage which may result from their failure to do so.

Water-takers to keep pipes, etc., in good repair

Third. Such persons shall prevent all unnecessary waste of water, and there shall be no concealment of the purpose for which it is used.

Waste of water to be prevented

No alterations, etc., to be made in pipes or fixtures, except, etc.

Fourth. No alteration or extension shall be made in any of the pipes or fixtures inserted by the city, except by its agents; and any employee or officer of the water department shall be allowed to enter the premises of any water taker, to examine the apparatus, to ascertain the quantity of water used, the manner of its use and whether there is any unnecessary waste; and to cut off the water for non-payment of rates or fines, or for any violation of these regulations.

Premises of water-taker may be entered

Thawing of frozen water in pipes

Fifth. If the water in any pipe shall become frozen, the person requesting that the same be thawed, shall deposit with the clerk of the water department the sum of two dollars, and if the freezing was caused by neglect or fault of the city, said sum shall be refunded.

Plumbers, etc., not to alter pipes without permit

Sixth. No plumber of other person shall make any alteration or extension of any water-pipe in any house or on any premises, without first giving notice to the clerk of the water department and procuring a written permit from him, which permit shall be returned to said clerk within ten days after the completion of the work, endorsed with a statement of all pipe and fixtures altered, extended or removed. Any person violating this regulation shall be liable to a penalty of twenty dollars for each offense.

Penalty

No person to let water into pipes without permit

Seventh. No person shall let on or shut off the water from any service pipe, except by written permission of the superintendent, or the clerk of the water department, and any person violating this regulation shall be liable to a penalty of ten dollars.

Penalty

Charges for water rates to be made to owners of property

Eighth. The clerk of the water department shall make all charges for water rates, excepting charges for metered water, to the owner of the property, and in every case the owner shall be liable for the water rates, except where the ownership is changed after water is shut off for non-pay-

ment, in which case the new owner shall be liable for the water rates from the time when the water is again let on.

Pipes and fixtures to be kept in good repair, etc., by owner or occupant

SECTION 8. Any owner or occupant or premises in which water furnished by the city is used, who fails to keep his service pipes and fixtures in good order, and neglects to repair the same within three days after they have, from any cause, become defective, or who neglects to shut off the water after using it, so that it runs to waste or who permits any unnecessary waste of water, shall be liable to a fine of two dollars, and if such fine is not paid within two days from the time when the person incurring it receives notice that he is liable thereto, the water shall be cut off from his premises, and shall not be let on again until the waste is stopped and the fine is paid, together with an additional sum of two dollars for cutting off and letting on the water; and in case of a second offence during the same year a fine of four dollars shall be imposed, and if it is not paid within two days, as aforesaid, the water shall be cut off, and shall not be let on again until the waste is stopped and the fine is paid, together with two dollars additional for cutting off and letting on the water; and in case of a third offence, the water shall be cut off, and shall not be let on again except by a vote of the city council and the payment of such fine, not exceeding ten dollars, as said council may impose.

Liability in case of waste water

Superintendent to decide as to waste or improper use of water

SECTION 9. The superintendent of water works shall have the power to decide what shall be considered a waste or improper use of water, and to restrict the use thereof when he may deem it necessary and if the water-taker refuses or neglects to comply with any order of said superintendent, after notice given to him the water may be cut off, and shall not be let on again, except by a vote of said council, and the payment of such fine, not exceeding ten dollars, as said council may impose.

Penalty

Regulation for the construction of water-closets

SECTION 10. The City Council may establish such regulations as it may deem expedient for the construction of water-closets, and water shall not be supplied to any building unless such closets are made conformable to said regulations.

No person to injure pipes, fire-hydrants, etc., nor turn water on or off, or remove covers of hydrants

SECTION 11. No person shall injure any public pipe, reservoir, or fire-hydrant connected with the water-works, or shall break and enter the same, or draw off, or cause to be removed, any of the water therefrom. No person shall turn on or off the water in any such water pipe, reservoir or fire-hydrant, or shall make an opening or connection with such pipe, reservoir or fire-hydrant, or remove the cover of any hydrant, except in case of fire, without permit from the superintendent of water works or the clerk of the water department or by authority of the mayor, and then only under the direction of the said superintendent, who shall provide competent men to perform the same, and the expense thereof shall be charged to the person applying for such permit. Any person violating any provision of this section shall be liable to a penalty not exceeding twenty dollars for each offense.

Penalty

Water rates

SECTION 12. The following rates shall be charged annually for the use of the water, but the city council reserves the right without notice, to alter, amend, or change the rates at any time for any year or fraction of a year, and all persons taking water from the city take it upon this express condition and not otherwise, namely:—

First:—For every dwelling-house, for each family of four persons or less, three dollars; and for every additional person in the family, fifty cents. In addition to the foregoing, there shall be charged for each dwelling house, in which a pan or self-acting water-closet and bath-tub are used, the sum of seven dollars for each family in such house having and using such a closet and tub separate from another

family; and for each such family having and using such closet without such tub, or having and using such tub without such closet, the sum of five dollars; provided however, that the sum of eight dollars shall be charged for each hopper water-closet.

Tenement houses, so-called, shall be charged for each tenement having water-fixtures within the same, three dollars; and three dollars in addition for each pan or self-acting water-closet or bathtub used and six dollars in addition for each hopper water-closet used; for each tenement not having water fixtures within the same, but taking the water from fixtures used in common with other tenements, two dollars.

Second:—For each office having water-fixtures within the same, three dollars, and for each office taking water from fixtures used in common with other offices two dollars. In addition to these rates, there shall be charged for each pan of self-acting water-closet, three dollars, and for each hopper water-closet, eight dollars.

Third:—For hotels, taverns and boarding-houses (said boarding-houses being valued in the assessment of taxes over eight thousand dollars) and not including water for baths or for uses without the house three dollars, for each bed for boarders and lodgers; provided, that no hotel, tavern or boarding-house shall be charged less than a dwelling-house, containing the same number of persons and fixtures.

Fourth:—For each store, warehouse, shop, or for purposes not included in any other classification, and not requiring more than an ordinary supply of water, three dollars to twenty-five dollars, at the discretion of the city council; provided, that if any such store, warehouse or shop shall have more than one water-closet, urinal, wash-hand basin or sink, there shall be charged for each additional water-closet, five dollars, and for each additional urinal, wash-hand basin or sink, two dollars and a half.

Fifth:—For private stables, six dollars; and for each additional horse over two, three dollars. Livery and boarding stables, for each horse three dollars. Truck and cart stables, for each horse, one and a quarter dollars. No stable shall be charged less than five dollars, and the rates stated herein shall include and cover water used for washing carriages, carts and wagons. Any person using the water for a stable shall be charged for such use, whether it is carried to the stable by hand or pipe.

Sixth:—For each head of neat cattle, one dollar.

Seventh:—For the use of hose, of not more than five-eighths of an inch orifice, for washing windows, sprinkling streets or gardens, no charge shall be made to any person paying for the use of water for other purposes in the same building to which such hose may be attached, but to other persons a charge of three dollars shall be made. The use of such hose shall be limited to one hour per day, and whoever violates this provision shall be liable to a penalty of not less than five nor more than twenty dollars for each offense. Free use of hose shall be limited to hose held in the hand only. In all cases where hose is held in position otherwise than by hand, or where patent sprinklers are used, the same will be classed as fountains and charged accordingly.

Eighth:—For confectioneries, restaurants, lunch rooms, market and fish stalls and provision shops, according to the quantity of water used, from eight dollars to fifty dollars at the discretion of the city council.

Ninth:—For public baths, for each tub, five dollars.

Tenth:—For every printing office, according to the number of presses used, not including the supply for a steam engine from six dollars to forty dollars, at the discretion of the city council.

Eleventh:—For stationary steam engines, working not over twelve hours a day for each horse power used not exceeding ten, the sum of six dollars; for each horse power used exceeding ten, and not over fifteen, the sum of five dollars; for each horse power used over fifteen, the sum of four dollars.

Twelfth:—For every railroad corporation, for the supply of locomotive engines, and for passenger stations, according to the quantity used as ascertained by meters or otherwise.

Thirteen:—Steamboats shall be charged for the estimated quantity of water consumed, and at the same rate as charged for manufacturing purposes; provided, however, that no water shall be used for washing purposes, except by special permission from the city council.

Fourteenth:—For building purposes the following rates shall be charged:—

20,000 cubic feet	$3.00
30,000 cubic feet	4.00
40,000 cubic feet	5.00
50,000 cubic feet	6.00
60,000 cubic feet	7.00
70,000 cubic feet	8.00
80,000 cubic feet	9.00
90,000 cubic feet	10.00
100,000 cubic feet	11.00

Brick buildings, double the above.
For jobbing 5c per cask, lime or cement.
Pulling trenches, 10c per linear foot.

Fifteenth:—Except as herein provided, no connection of a fountain shall be made, directly or indirectly, with the city water-pipes. Persons desiring water for fountain purposes shall make application in writing to the city council, stating the number and size of the jet to be used, and the hours of

the day and the months during which it is proposed to use the same. Upon such application said council shall fix the rate to be charged to the applicant and the connection with the water-pipes shall be made and under the direction of the superintendent of waterworks; it being understood that the water shall be used exclusively for fountain purposes, unless supplied through a meter.

Sixteenth:—Bakeries. For the average daily use of flour, for each barrel, the sum of three dollars per annum; provided that no bakery shall be charged less than six dollars.

Seventeenth:—Every person supplied with water from the water pipes laid at Juniper Point, so-called, except those whose house is occupied for the full twelve months of the year, shall pay the water rates for the actual time said water is used.

Eighteenth:*—The rate for all water furnished by meter measurement shall be fifteen cents per one hundred cubic feet. Bills for water so supplied in Wards 1 and 2 shall be rendered quarterly on the first days of January, April, July and October; bills for water so supplied in Wards 3 and 5 shall be rendered quarterly on the first days of February, May, August and November; bills for water so supplied in Wards 4 and 6 shall be rendered quarterly on the first days of March, June, September and December; a discount of ten percent shall be allowed for the payment of such bills on or before the fifteenth day of the month in which they are rendered."

Nineteenth:—The minumum rates for metered water for each quarter shall be as follows:—

For ¾ inch meter (or less)	$3.00
For 1 inch meter	3.50

*Amendment approved February 18, 1927.

For 1½ inch meter	5.00
For 2 inch meter	6.50
For 3 inch meter	10.00
For 4 inch meter	20.00
For 6 inch meter	40.00

Twentieth:—Garages. The minimum annual charge for private garages shall be three dollars, but said rate shall not include nor cover water used for washing automobiles. Water used for such purposes shall be charged at the rate of five dollars for each automobile. Public garages shall be charged for the estimated quantity of water consumed, and at the same rate as charged for manufacturing purposes.

No charge for insertion of water-pipes for fire uses

SECTION 13. No charge shall be made for water supplied through a special pipe for fire purposes only, provided that such pipe is approved by the superintendent of water works and is inserted at the expense of the water taker.

Water used by city to be furnished free

SECTION 14. All water required and used by the city in its various departments shall be furnished free of charge.

Use of meters

SECTION 15. The superintendent of water works shall have power to ascertain by meter the quantity of water used in any case, and meter shall be applied whenever in his judgment it is expedient, and any water taker may place within his premises at his expense, a meter approved by said superintendent, for the purpose of measuring the quantity of water used by him. The city council may establish a rate for metered water instead of the specific rates thereinbefore established. All bills for water furnished through meters shall be payable quarterly at the office of the city collector; and if the same be not paid within twenty days after the end of the quarter, the clerk of the water department shall cause the supply to be cut off after sending a special notice that the water will be cut off for nonpayment.

Bills for metered water payable quarterly

Superintendent may restrict use of hand hose

SECTION 16. The superintendent of water works shall have the power to restrict the use of hand-hose to such hours of the day as he may deem necessary, whenever there is an excessive use of water or a severe drought, and whoever violates any such restriction shall be liable to a penalty of not less than five nor more than twenty dollars for each offense.

Clerk to assess water rates according to tariff

To fix rates for purposes not specified

SECTION 17. The clerk of the water department shall determine and assess the water-rates, according to the tariff of rates established by the city council, and whenever requested by the city council shall prepare and send to said council, a schedule of all such assessments. Whenever water is required for purposes which are not specified in this ordinance, the rate shall be fixed by the city council.

Money paid to be credited to water department

Water rates payable annually

SECTION 18. All money paid into the treasury on account of the water-works shall be placed to the credit of the water department. The annual rates for the use of the water shall be payable on the fifteenth day of April in and for each calendar year. All charges for specific supplies, or for fractional parts of the year, shall be payable in advance, and before the water is let on or furnished.

Manner of enforcing payment of water-rates

Proviso

SECTION 19. In all cases of non-payment of the annual water rates for sixty-days after the same are due, the clerk of the water department shall cause the supply to be cut off, and the water shall not be let on again except upon the payment of the sum of two dollars, and not for the same occupant or owner, except upon the payment also of the whole amount due; and every person whose water-bill is unpaid on the first day of May shall be liable to said penalty of two dollars, though the supply may not have been actually cut off; provided, that in case of the specific supplies, or for fractional parts of the year, when the water has been let on, it may be cut off immediately after notice given to the occupant of the place that the bill is unpaid, and may be let on again upon the conditions before mentioned. Unless

the superintendent of water works shall otherwise direct, the foregoing provisions shall apply when two or more persons take the water through the same service pipe, although one or more may have paid the proportion due from him or them.

Abatements

SECTION 20. The clerk of the water department under the supervision of the city engineer may make abatements in the water-rates, in all proper cases.

Police to report leaks, etc.

SECTION 21. The city marshal shall report to the clerk of the department all cases of leakage, waste or excessive use of water, and all violations of this ordinance that may be brought to his attention.

CHAPTER XLIX.

SEALER OF WEIGHTS AND MEASURES.

Appointment and duties of sealer of weights and measures

SECTION 1. The mayor, subject to the confirmation of the city council, shall appoint a sealer of weights and measures who shall have all the powers and perform all the duties described by law relative to the sealing of weights and measures. He shall hold office during good behavior but may be removed for cause at any time by the mayor, with approval of a majority of the members of the city council. Any vacancy occurring in the office may be filled in the manner above provided.

To make annual report

SECTION 2. The sealer of weights and measures shall annually on the first day of February, make a full report to mayor of his doings during the preceding fiscal year, together with an inventory of all the city and state property in his charge.

To account for fees

SECTION 3. The sealer of weights and measures shall pay to the city treasurer the fourth of each month all fees received by him during the previous month and shall in his annual report set forth all sums so received by him during the period covered in said report.

No license, etc., issued unless weights and measures are sealed

SECTION 4. No license nor permit shall be issued to any hawker, peddler, junk collector, vender or dealer unless he presents a receipt from the sealer of weights and measures, showing that the weights and measures used by him have been properly inspected, tested and sealed immediately preceding the issuance of such license.

Office hours

SECTION 5. Except when the sealer of weights and measures is elsewhere necessarily employed in the discharge of his duties, his office shall be open on all business days from nine to twelve o'clock A. M. and from two until four o'clock P. M. except Saturdays when the office shall be open from nine o'clock A. M. until one o'clock P. M.

CHAPTER L.

MEETINGS OF THE CITY COUNCIL.

Regular meetings

Special meetings

SECTION 1.* Regular meetings of the city council shall be held at eight o'clock on the evening of the second and fourth Thursdays of each month. Special meetings may be called by the president of the council, or by the city clerk or assistant clerk, upon written request signed by six members of the council and thereupon the said clerk shall notify the members in the manner set forth in the rules and orders of the city council. All meetings shall be held in the city council chamber.

*Amendment approved January 30, 1926.

CHAPTER LI.*

COMPENSATION OF THE MAYOR.

SECTION 1. The mayor shall receive the sum of three thousand** ($3,000.00) dollars per annum for his services payable in equal monthly installments.

*Approved February 21, 1924.

**Amended to four thousand dollars to take effect January 6, 1930. Amendment approved January 28, 1928.

CHAPTER LII.*

HARBOR MASTER.

SECTION 1. The mayor may appoint, subject to the confirmation of the city council, a harbor-master for the port of Salem, who shall continue in office until a successor is qualified, and who, before entering upon the duties of his office, shall give to the treasurer of said city a bond, which shall be satisfactory to the mayor and city council, in the sum of two thousand dollars, conditioned upon the faithful performance of his duties, and said harbor-master shall have the power to appoint a deputy when, in the opinion of the mayor and city council, it is necessary; and such appointment shall be subject to their approval, and said council shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this ordinance.

Appointment of

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of said harbor-master.

Anchoring of vessels

SECTION 3. Every vessel, before unloading lumber in the stream, shall get a permit from said harbor-master, designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

Permit to unload lumber

SECTION 4. Every vessel lying in the harbor, or at any wharf or pier, in said port, shall, when directed by said harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

Directions

SECTION 5. Said harbor-master may cause to be moved, any vessel lying in the harbor and not anchored according to his directions, and not moving when directed by him so

Vessels to be moved

*Approved April 2, 1929.

to do, and the expense thereof shall be paid by the master or owners of such vessel; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by said harbor-master to the use of the said city, in an action of contract.

Refuse not to be thrown in harbor

SECTION 6. No person shall throw or deposit in said harbor, or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

No line across channel

SECTION 7. No warp or line shall be passed across the channel or any dock, so as to obstruct vessels passing along the same.

Harbor-master may move vessels

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by said harbor-master, said harbor-master shall then cause such vessel to be moved to some other berth or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by said harbor-master to the use of said city, in an action of contract.

Authority to regulate vessels

SECTION 9. Said harbor-master shall have authority to regulate and station all vessels in the stream of said harbor and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in recieving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Liability

SECTION 11. Any person violating the provisions of this ordinance, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Copy of ordinance

SECTION 12. It shall be the duty of said harbor-master to place in the hands of the master of every vessel arriving at the port of Salem a copy of this ordinance.

CHAPTER LIII.*

MEASURERS OF LUMBER.

Appointment

SECTION 1. The mayor shall annually in the month of January appoint, subject to the approval of the City Council, one or more measurers of lumber who shall be sworn to the faithful discharge of their duties and receive such compensation for their services as may be agreed upon by those employing them.

*Approved March 6, 1924.

CHAPTER LIV.*

MUNICIPAL STANDARD.

Material, color, design and size

SECTION 1. The municipal standard of the City of Salem, which is hereby established, shall be made of silk and be of Yale blue color and shall contain in its center an embroidered official city seal, the seal to be of the form and with the design required by Chapter XXXVI, Section 1, of the ordinances of the city. The colors in the design shall be the same as in the seal of the city displayed on the wall of the Council chamber. The flag shall be five feet in length and three and one half feet in width, or in proportion thereto, with a gold fringe, and shall be displayed with the national flag in the council chamber and in such other place in the city hall as the Mayor shall direct. The Mayor, in his discretion, may allow church or other organizations of the city to use the municipal standard for indoor display purposes.

Flag for outdoor display

SECTION 2. For outdoor display, a city flag of like size, design and color may be made of bunting, the size of such bunting flag to depend upon the place of display. The city flag shall be displayed on city hall on occasions when the national flag is ordered displayed and may be carried in parades and at reviews and on official occasions when the Mayor is present if he so directs. The outdoor use or display of the city flag by individuals and organizations for decorative purposes shall be by order of the Mayor by notice publicly given. For such outdoor use or display of the city flag by individuals or organizations, the flag may be of felt and in pennant form.

Not to be used for commercial purposes

SECTION 3. Neither the municipal standard nor the city flag nor any reproduction nor pennant shall be used for any

*Approved September 11, 1925.

commercial purpose, and no advertising device or any organization name or emblem shall be displayed upon it or under in connection with it; and the municipal standard, flag or pennant shall not be used for any purpose not authorized by this ordinance except with the permission of the Mayor.

Violation

SECTION 4. Any person violating the provisions of section three of this ordinance shall be punished by a fine not exceeding twenty dollars for each offense, such punishment to extend not only to the person doing the prohibited thing but to every person concerned in so doing.

City messenger to be custodian

SECTION 5. The city messenger shall be the custodian of the municipal standard and of the city flags that are the property of the city.

CHAPTER LV.*

ZONING ORDINANCE.

Districts

Section 1. *Establishment of Districts.* For the purpose of this ordinance, the City of Salem is hereby divided into seven classes of districts, to be known as:

1. Single residence districts.
2. General residence districts.
3. Apartment house districts.
4. Semi-residence districts.
5. Business districts.
6. Industrial districts.
7. Unrestricted districts.

as shown on the map which accompanies this ordinance, entitled, "Zoning Map," filed in the office of the City Engineer, which may, together with all the boundary lines and designations thereon, is hereby made a part of this ordinance.

Single residence

Section 2. Single Residence Districts. In the single residence districts, no new building or structure, or part thereof, shall be constructed or used, and no existing building or structure, or part thereof, shall be altered, enlarged, reconstructed, or used for

A. Any industry, trade, manufacturing, or commercial purpose; or for

B. Any purpose except one or more of the following specified uses:

1. Single-family detached house, unless otherwise permitted by the Board of Appeal under the provisions of Section 14;
2. Boarding or lodging house;
3. Church or other place of worship;
4. Public school or other public use;

*Approved November 10, 1925, to take effect January 1, 1926.

5. Private school, college, museum, or other use of an educational character;
6. Club, except a club the chief activity of which is a service customarily carried on as a business;
7. Public or semi-public institution of a philanthropic, charitable, or religious character, but not a correctional institution;
8. Hospital, sanitarium, or other medical institution;
9. Farm, market garden, nursery, or greenhouse, including the sale of natural products raised on the premises, but not including any use or the extension of any existing use which would be injurious, obnoxious, or offensive to the neighborhood;
10. Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto, including a private garage, group garage, or private stable.

General residence

Section 3. *General Residence Districts.* In the general residence districts, no new building or structure, or part thereof, shall be constructed or used, and no existing building or structure, or part thereof, shall be altered, enlarged, reconstructed, or used for

A. Any industry, trade, manufacturing, or commercial purpose; or for

B. Any purpose except one or more of the following specified uses:

1. Any purpose or accessory use authorized in the single residence districts;
2. Double or semi-detached house, two-family house, or group house consisting of three or more contiguous single-family houses separated by party walls;
3. Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto, including a private garage, group garage, or private stable.

Apartment house

Section 4. *Apartment House Districts.* In the apartment house districts, no new building or structure, or part thereof, shall be constructed or used, and no existing building or structure, or part thereof, shall be altered, enlarged, reconstructed, or used for

A. Any industry, trade, manufacturing, or commercial purpose; or for

B. Any purpose except one or more of the following specified uses:

1. Any purpose or accessory use authorized in the single or general residence districts;
2. Residence for three or more families, apartment house, apartment hotel, or hotel;
3. Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto, including a private garage, group garage, or private stable.

Semi-residence

Section 5. *Semi-Residence Districts.* A. In the semi-residence districts, new buildings and structures may be constructed and used and existing buildings and structures may be altered, enlarged, reconstructed, and used for any purpose or accessory use authorized in the single residence, general residence, or apartment house districts; but for no other purpose or use, except that

B. The first floor, basement, and cellar of any new or existing building or structure may be used for one or more of the purposes and accessory uses authorized in the business districts, including a private garage or private stable, group garage, business garage or business stable, gasoline filling station, service station, but not a public garage or public stable, or a motor vehicle repair shop.

Business

Section 6. *Business Districts.* In the business districts, no new building or structure, or part thereof, shall be constructed or used, and no existing building or structure, or part thereof, shall be altered, enlarged, reconstructed, or used for

A. Any purpose except one or more of the following specified uses:

1. Any purpose or accessory use authorized in the single residence, general residence, apartment house, or semi-residence districts;
2. Store, saleroom, or showroom for the conduct of retail or wholesale business;
3. Office of any kind;
4. Bank or other monetary institutions;
5. Restaurant or other eating place;
6. Club or other organization, dancing academy, theater, hall, or other place of amusement or assembly;
7. Public or semi-public building;
8. Place or business of a

Baker	Electrician	Photographer
Builder	Florist	Plumber
Butcher	Furrier	Printer
Cabinet maker	Grocer	Publisher
Carpenter	Hairdresser	Roofer
Caterer	Laundry	Shoemaker
Cleaner	Manicure	Shoe repairer
Confectioner	Mason	Shoe shiner
Contractor	Milliner	Tailor
Decorator	Newspaper	Tinsmith
Dressmaker	Optician	Telephone exchange
Druggist	Paper-hanger	Undertaker
Dyer	Painter	Upholsterer

9. Private garage or private stable, group garage, business garage or business stable, gasoline filling station, service station, public garage or public stable, or motor vehicle repair shop;
10. Any additional use which the Board of Appeal, upon petition and under the procedure provided in the Building Ordinance, may permit in a specific case, provided that the Board finds that
    (a) The proposed use is similar to one or more of the uses previously authorized by this section;

(b) The exclusion of such additional use from a business district would involve practical difficulty or unnecessary hardship;

(c) Such use would not substantially reduce the value of any property within the district nor otherwise be injurious, obnoxious, or offensive to the neighborhood;

11. Such accessory uses as are customary in connection with the foregoing uses and are incidental thereto.

B. In addition, such industry, trade, and manufacturing may be carried on in any building or structure as are customary in connection with the foregoing uses and are incidental thereto; provided that

1. No industry, trade, or manufacturing shall be carried on in a business district which is
   (a) Prohibited or not authorized in the industrial districts; or would be
   (b) Injurious, obnoxious, or offensive to a neighborhood by reason of noise, vibration, smoke, cinders, ordor, gas, fumes, dust, chemicals, or other objectionable feature; or would be
   (c) Dangerous to a neighborhood through fire, explosion, or any other cause;
2. The total floor space which may be used for manufacturing in any building or structure shall not exceed three thousand square feet, unless otherwise permitted by the Board of Appeal under the provisions of Section 14.

Industrial

Section 7. Industrial Districts. A. In the industrial districts, new buildings and structures may be constructed and used and existing buildings and structures may be altered, enlarged, reconstructed, and used for

1. Any purpose or accessory use authorized in the single residence, general residence, apartment house, semi-residence, or business districts;

2. Any industry, trade, manufacturing, commercial, or other purpose not otherwise prohibited by this section or by any law or ordinance.

B. No new building or structure, or part thereof, shall be constructed or used, and no existing building or structure, or part thereof, shall be altered, enlarged, reconstructed, or used for any of the following specified uses, unless such use is accessory and incidental to a minor extent to a use authorized by this section:

1. Acetylene gas manufacturing;
2. Ammonia, bleaching powder, or chlorine manufacturing;
3. Asphalt manufacturing or refining;
4. Assaying, other than gold or silver;
5. Blast furnace;
6. Boiler making;
7. Cement, lime, or plaster-of-paris manufacturing;
8. Coal-tar products manufacturing;
9. Coke manufacturing;
10. Cork manufacturing;
11. Cremation, except in a cemetery;
12. Creosote treatment or manufacturing;
13. Dextrine, glucose, or starch manufacturing;
14. Disinfectant, insecticide, or poison manufacturing;
15. Distillation of bones, coal, or wood;
16. Emery cloth or sandpaper manufacturing;
17. Explosives, fireworks, or gunpowder manufacturing;
18. Fat rendering;
19. Fertilizer manufacturing;
20. Fish packing or storage;
21. Gasoline, naphtha, or petroleum refining;
22. Gelatine, glue, or sizing manufacturing;
23. Grease, lard, or tallow manufacturing;
24. Hydrochloric, nitric, picric, sulphuric, or sulphurous acid manufacturing;
25. Incineration or reduction of dead animals, garbage, offal, or refuse, except in a municipal plant;

26. Lampblack manufacturing;
27. Linoleum or oilcloth manufacturing;
28. Match manufacturing;
29. Ore reduction;
30. Potash refining;
31. Printing ink manufacturing;
32. Pyroxylin plastic manufacturing;
33. Rolling mill;
34. Salt manufacturing;
35. Shoe blacking, cleaner, or polish manufacturing;
36. Slaughtering of animals or fowls, except on premises used for farming, or in the case of fowls to be sold at retail on the premises;
37. Smelting of iron;
38. Soda and soda compounds manufacturing;
39. Stockyards;
40. Stove blacking or polish manufacturing;
41. Sugar refining;
42. Tar distillation or manufacturing;
43. Tobacco (chewing) manufacturing;
44. Yeast manufacturing;
45. Any use which would be injurious, obnoxious, or offensive to a neighborhood, by reason of noise, vibration, smoke, cinders, odor, gas, fumes, dust, chemicals, or other objectionable feature, or dangerous to a neighborhood through fire, explosion, or any other cause.

Unrestricted

Section 8. *Unrestricted Districts.* In the unrestricted districts, new buildings and structures may be constructed and used and existing buildings and structures may be altered, enlarged, reconstructed, and used for any purpose or accessory use not otherwise prohibited by law or ordinance.

Non-conforming buildings

Section 9. *Non-Conforming Buildings, Structures, and Uses.* This ordinance shall not apply to existing buildings or structures nor to the existing use of any buildings or structure, but it shall apply to any alteration of a building

or structure to provide for a purpose, or in a manner, substantially different from the use to which it was put before the alteration.

Public service corporations

Section 10. *Public Service Corporations.* A building used or to be used by a public service corporation shall be exempted from the provisions of this ordinance as to its situation if, upon a petition of the corporation, the Department of Public Utilities shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

District boundaries

Section 11. *District Boundaries.* The location of the boundary lines shown upon the zoning map which accompanies and is a part of this ordinance shall be determined as follows:

1. Where the boundary lines are shown upon the map within the street lines of public or private streets or ways, the center lines of such streets or ways shall be the boundary lines.
2. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of such boundary lines is not indicated by means of figures, distances, or otherwise, then the property or lot lines shall be the boundary lines.
3. Boundary lines located outside of street lines and shown approximately parallel thereto, shall be regarded as parallel to such street lines; and figures placed upon the map between such boundary lines and the street lines shall be the distances in feet of such boundary lines from the street lines, such distances being measured at right angles to the street lines unless otherwise indicated.
4. In all cases which are not covered by the provisions of this section, the location of boundary lines shall be determined by the distances in fact, if given, from the other lines upon the map, or, if distances are not given, then by the scale of the map.

5. Wherever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings.

Definitions

Section 12. *Definitions.* The following terms, when used in the ordinance, shall have the meanings respectively given them:

1. PRIVATE GARAGE: A private garage is a building or structure, or part thereof, in which one or more motor vehicles, belonging to not more than two persons, one of whom at least is the owner or tenant of the premises, one of which motor vehicles may be a commercial vehicle of not more than one and one-half tons weight or capacity, are kept solely for the private or professional use of their owner and in which garage no space is rented out for a commercial vehicle nor to more than one person other than the owner or a tenant of the premises.

2. PRIVATE STABLE: A private stable is a building or structure, or part thereof, in which one or more horses, belonging to not more than two persons, one of whom at least is the owner or tenant of the premises, are kept solely for the private or professional use of their owner, and in which stable no space is rented out to more than one person other than the owner or a tenant of the premises.

3. GROUP GARAGE: A group garage is a building or structure, or part thereof, other than a private garage, or a group of private garages or other buildings or structures, in which motor vehicles are stored and taken care of by their respective owners, who are either owners or tenants of the space in which their motor vehicles are stored, all of which motor vehicles being solely for the private or professional use of their owners, no person storing more than one commercial vehicle in the space which he owns or rents,

nor a commercial vehicle of more than one and one-half tons weight or capacity, nor one owned by anyone except himself.

4. BUSINESS GARAGE: A business garage is a building or structure, or part thereof, in which one or more motor vehicles, belonging to the owner or a tenant of the premises, are kept for the use of such owner or tenant, for the carrying of loads other than passengers for profit, for any work in connection with the business of the owner of such motor vehicles, which may be kept for sale, for exhibition or demonstration purposes, but not for hire. A salesroom or showroom for motor vehicles in which any vehicle is kept with gasoline in its tank, shall be regarded as a business garage, and also any building in which motor vehicles are kept in dead storage for profit.
5. BUSINESS STABLE: A business stable is a building or structure, or part thereof, in which one or more horses, belonging to the owner or a tenant of the premises, are kept for the use of such owner or tenant, for the carrying of loads other than passengers for profit, for any work in connection with the business of the owner of such horses, which may be kept for sale, but not for hire.
6. PUBLIC GARAGE: A public garage is any building or structure, or part thereof, in which motor vehicles are kept in live storage for profit, for the carrying of passengers for profit, for hire, or for any other purpose not included in the definition of a private garage, group garage, or business garage.
7. PUBLIC STABLES: A public stable is any building or structure, or part thereof, in which horses are kept for profit, for carrying of passengers for profit, for hire, or for any other purpose not included in the definition of a private stable or a business stable.
8. GASOLINE FILLING STATION: A gasoline filling station is a building or structure, or part thereof, used in

connection with tanks, pumps, and other appliances, for supplying motor vehicles with gasoline, compressed air, oil, water, and similar supplies, for profit, but not for the purpose of making repairs.

9. SERVICE STATION: A service station is a building or structure, or part thereof, used for supplying accessories to or parts of motor vehicles for profit, with facilities for making minor changes and adjustments to motor vehicles, but not structural changes or repairs, nor doing work involving the use of machinery.

10. GARAGE REPAIR SHOP: A garage repair shop is a part of a public garage where only minor structural repairs are made to motor vehicles for profit, by means of lathes, vises, hand or foot operated machinery, and other appliances, but not by means of heavy machinery.

11. MOTOR VEHICLE REPAIR SHOP: A motor vehicle repair shop is a building or structure, or part thereof, in which major structural repairs are made to motor vehicles, or a repair shop in a garage or other building or structure in which heavy machinery is used. An automobile school shall be regarded as a motor vehicle repair shop.

12. NON-CONFORMING BUILDING OR STRUCTURE: A non-conforming building or structure is a building or structure the use of which, in whole or in part, does not conform to the use regulations of the district in which the building or structure is located.

13. NON-CONFORMING USE: A non-conforming use is a use in any building or structure which does not conform to the use regulations of the district in which such use exists.

Execution

Section 13. *Execution*: The Inspector of Buildings shall execute the provisions of this ordinance, except when otherwise provided, and, in so doing, shall have the same powers as are provided for the execution of the Building

Ordinance. He shall issue no permit for the construction, alteration, enlargement, reconstruction, moving, raising up, or use of any building or structure, or part thereof, which would be in violation of any of the provisions of this ordinance.

Board of appeal

Section 14. *Board of Appeal.* A. Any person aggrieved by the refusal of the Inspector of Buildings to issue a permit on account of the provisions of this ordinance, or any person who is aggrieved by this issuance of a permit or by any decision, ruling, or order of the Inspector of Buildings, may appeal to the Board of Appeal within ten days from the date of the action appealed from, by giving notice in writing of the appeal to the Inspector of Buildings and the Board of Appeal. After notice given to such persons as the Board shall order, a hearing shall be held, and the Board shall affirm, annul, or modify such refusal, decision, ruling, or order, of the Inspector of Buildings.

B. The Board of Appeal may vary the application of this ordinance in specific cases where its enforcement would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially derogating from the intent and purpose of the ordinance, but not otherwise. No such variance shall be authorized except by the unanimous decision of the entire membership of the Board, rendered upon a written petition addressed to the Board, and after a public hearing thereon, of all property deemed by the Board to be affected thereby as they appear on the most recent tax list, and also advertised in a newspaper published in the City of Salem. The Board shall cause to be made a detailed record of all its proceedings relative to such petition, which record shall be filed in the office of the City Clerk and shall be open to public inspection, and notice of such decision shall be mailed to each party in interest as aforesaid. The Board of Appeal may permit in a single residence district, under the provisions of this paragraph, the alteration, enlargement,

reconstruction, and use of a single-family house, existing at the time this ordinance takes effect, as a residence for not more than two families, provided that the Board finds that the original building can no longer be used at a reasonable expense or at a fair financial return for a use permitted in the district. The Board may also permit in a semi-residence or business district the use of a larger floor area for manufacturing than three thousand square feet, provided that the Board finds that deprivation of such larger area would involve practical difficulty or unnecessary hardship, and that the larger area would not substantially reduce the value of any property within the district nor otherwise be injurious, obnoxious, or inoffensive to the neighborhood.

Repeal or modification

Section 15. *Repeal or Modification.* This ordinance, with all amendments thereto, together with the boundary lines of the districts and the zoning map, shall not be repealed or modified except after reasonable notice of the proposed repeal or modification and an opportunity to the objectors to be heard thereon, and in no case except by a three-fourths vote of the City Council.

Existing ordinances not repealed

Section 16. *Existing Ordinances Not Repealed.* Nothing contained in this ordinance shall be construed as repealing or modifying any existing ordinance or regulation of the city, but shall be in addition thereto; provided that, whenever this ordinance imposes greater restrictions upon the construction, alteration, enlargement, reconstruction, moving, raising up, or use of buildings or structures than other ordinances or provisions of law, such greater restrictions shall prevail.

Invalidity

Section 17. *Invalidity.* The invalidity of any section or provision of this ordinance, or of any district or part thereof as laid down upon the zoning map, shall not affect the validity of any other section or provision of the ordinance, or of any other district or part thereof as laid down upon the zoning map.

Section 18. This ordinance shall take effect on January 1, 1926.

ZONING ORDINANCE AMENDMENTS.

Two and one-half story houses

In the year one thousand nine hundred and twenty-eight.

AN ORDINANCE to amend an ordinance relating to zoning.

BE IT ORDAINED by the City Council of the City of Salem, as follows:

Section 1. Nothing in the Zoning Ordinance of the City of Salem shall in any district except the single residential district prevent the alteration and adaptation of existing two and one-half story houses for the use of three families provided that a permit for such alterations has been issued on or before December 1, 1928, and that such alterations are completed to the satisfaction of the Building Inspector on or before May 1, 1929, and provided further that any such buildings as altered shall comply with the requirements for such buildings contained in the Building Ordinance of the City of Salem, as amended.

Section 2. Nothing in the Zoning Ordinance of the City of Salem shall prevent in the apartment house districts, semi-resident districts, business districts, industrial districts, and unrestricted districts, the erection of a two and one-half story house adapted for occupation by three families provided that a permit for such construction shall have been issued by the Inspector of Buildings on or before January 1, 1929, and that such construction is completed to the satisfaction of the Inspector of Buildings on or before June 1, 1929; and provided further that the construction of such new buildings shall comply with the requirements for such buildings of the Building Ordinance of the City of Salem as amended.

Section 3. Nothing in the Zoning Ordinance of the City of Salem shall prevent in any district except the single residence district the alteration and adaptation of existing two

and one-half story houses for the occupation of six families, two upon each floor, provided that a permit for such alterations has been issued on or before December 1, 1928 and that such alterations are completed to the satisfaction of the Building Inspector on or before May 1, 1929; and provided further that any such buildings as altered shall comply with the requirements for such buildings contained in the Building Ordinance of the City of Salem as amended.

Section 4. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This Ordinance shall take effect as provided by the City Charter.

Approved by the Mayor September 18, 1928.

In the year one thousand nine hundred and twenty-seven.

AN ORDINANCE to amend an ordinance.

BE IT ORDAINED by the City Council of the City of Salem, as follows:

Section 1. That the zoning map be changed so that the area on Porter Street Court and Porter Street now zoned for general residences be mapped for apartment house district, classification being taken from class 2 and be placed in Class 3.

Section 2. This ordinance shall take effect as provided by the City Charter.

Approved by the Mayor on October 8, 1927.

Attest: JOHN J. CONNELLY,
City Clerk.

In the year one thousand nine hundred and twenty-eight.

AN ORDINANCE to amend an ordinance relating to zoning.

BE IT ORDAINED by the City Council of the City of Salem, as follows:

Section 1. That the zoning may be changed so that the area on the westerly side of Danvers Road at the corner of Highland Avenue, one hundred and fifty feet along

Danvers Road and running westerly one hundred and fifty feet on Highland Avenue, now zoned for general residence, be mapped for business district, classification being taken from Class 2 and be placed in Class 5.

Section 2. This ordinance shall take effect as provided by the City Charter.

Effective April 24, 1928.

In the year one thousand nine hundred and twenty-eight.

AN ORDINANCE to amend an ordinance relating to Zoning.

Be it Ordained by the City Council of the City of Salem as follows:

Section 1. That the zoning map be changed by extending the business zone at the corner of State Road and Vinnin Street thirty-four feet from the northeasterly corner thereof and then by a curved line three hundred and twenty-two feet running to a point one hundred and eighty-nine feet from the southeasterly corner thereof, as shown on a plan attached hereto and made a part of this ordinance; classification being changed from general residence to business.

Section 2. This ordinance shall take effect as provided by City Charter.

Approved by the Mayor June 7, 1928.

In the year one thousand nine hundred and twenty-eight.

AN ORDINANCE amending the ordinance approved November 10, 1925, commonly called the Zoning Ordinance.

Be it Ordained by the City Council of the City of Salem, as follows:

Section 1. Section one of the ordinance approved November 10, 1925, commonly called the Zoning Ordinance, is hereby amended and altered by changing the industrial and unrestricted districts as defined in said Section one, and as shown on the map accompanying the same as part thereof, so that the premises belonging to the Philadelphia & Reading Coal & Iron Company and to the Salem Terminal

Corporation and bounded northerly and northwesterly by land of the City of Salem situated on Fort Avenue; westerly by Derby Street; southwesterly on several courses by lands on India Street, Derby Street and the extension of Becket Street, sometimes called Becket Avenue; southwesterly by lands on Blaney Street and southerly, easterly and northeasterly by the Salem Harbor; all as shown on the plan accompanying this ordinance, and hereby made part thereof, and any buildings or structures now or hereafter erected thereon, shall not be included in said industrial district, and shall hereafter be included in the unrestricted district.

Section 2. This ordinance shall take effect as provided by the City Charter.

Approved by the Mayor October 2, 1928.

In the year one thousand nine hundred and twenty-nine.

AN ORDINANCE to amend the Zoning Ordinance.

Be it Ordained by the City Council of the City of Salem, as follows:

Section 1. The Zoning Ordinance and Map is hereby amended by changing the business zone, one hundred feet in width, on the southerly side of Leach Street between Lafayette and Summit Avenue, to an apartment house zone.

Section 2. This ordinance shall take effect as provided by the City Charter.

Approved by the Mayor on April 13, 1929.

CITY OF SALEM.

CITY CLERK'S OFFICE

CITY HALL.

Salem, Massachusetts.

I hereby certify that the ordinances contained in this volume are true copies of the originals of all the ordinances of the said City of Salem, with amendments thereto, in force and effect on the first day of June, nineteen hundred and twenty-nine.

Attest: JOHN J. CONNELLY,

City Clerk.

RULES AND ORDERS

OF THE

CITY COUNCIL.

MEETINGS, QUORUMS, PROCEEDINGS.

SECTION 1. Every member of the Council shall have mailed or delivered to him at his residence or place of business, a written notice, stating the day and hour to which the council stands adjourned, or for which a special meeting has been called, and shall give his punctual attendance accordingly. The notice of a special meeting of the council shall state the purpose for which said meeting is called, and no business other than that specified in the notice shall be in order, except that jurors may be drawn at said meeting.

SECTION 2. At all meetings of the council six members shall constitute a quorum for the transaction of business.

SECTION 3. The president shall take the chair at the hour appointed for the meeting, shall call the members to order, and a quorum being present, shall cause the record of the preceding meeting to be read. In the absence of the president, a president pro tempore shall be chosen. The president shall preserve decorum and order; may speak to points of order, in preference to members; shall decide all questions of order, subject to an appeal to the council by motion regularly seconded, and no other business shall be in order until the question on appeal shall have been decided. He shall declare all votes. If the vote is doubted by any member, he shall, without permitting further debate upon

the question, require first the members voting in the affirmative, and afterwards those voting in the negative, to rise and stand until counted, and he shall then declare the result. If any member fails to rise and stand till counted, he shall be counted as voting to sustain the decision originally made by the presiding officer.

SECTION 4. When the president shall desire to vacate the chair he may call any member to it but such substitution shall not continue beyond adjournment.

SECTION 5. On all questions and motions the presiding officer shall take the sense of the board by a yea and nay vote, provided any member present shall so require.

SECTION 6. The presiding officer shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature, except that in naming sums and fixing times the largest sum and the longest time shall be first put, and when a motion is made to refer to any subject and different committees are proposed, the question shall be taken in the following order:

To a standing committee of the council;
To a select committee of the council.

SECTION 7. After a motion is stated, or read by the clerk, it shall be deemed to be in possession of the council, and shall be disposed of by vote; but the mover may withdraw it by unanimous consent, at any time before a decision or amendment.

SECTION 8. Every motion shall be reduced to writing, if the president directs, or any member of the council requests it.

SECTION 9. When two or more members rise at the same time the presiding officer shall name the member who is entitled to the floor.

SECTION 10. Every member, when about to speak, shall rise and respectfully address the presiding officer as "Mr. President"; shall confine himself to the question under debate, and avoid personalities.

SECTION 11. When a question is under debate, no motion shall be received but—

1. To adjourn;
2. To lay on the table;
3. For the previous question;
4. To postpone to a day certain;
5. To commit;
6. To amend; or
7. To postpone indefinitely;

which several motions shall have precedence in the above order, and the first three shall be decided without debate.

The previous question shall be put in the following form: "Shall the main question be now put?"—and all further amendments or debate of the main question shall be suspended until the previous question is decided. A motion to strike out the enacting clause of an ordinance shall be equivalent to a motion to postpone indefinitely.

RIGHTS AND DUTIES OF MEMBERS.

SECTION 12. No member speaking shall be interrupted by another, but by rising to call to order or to correct a mistake. But if any member in speaking, or otherwise, transgress the rules of the council, the president shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the council, if appealed to, shall decide on the case, but without debate.

SECTION 13. No member shall vote on any question or serve on any committee, where is private interest is im-

mediately concerned, distinct from that of the public. Every member (not having such interest) present, when a question is put, shall vote, unless the council for special reasons excuse him; provided, however, he need not vote on any question except when there is a tie vote, in which case he shall vote.

SECTION 14. A question having been taken, any member may give notice of his intention to move a reconsideration at the next meeting, and if such notice be given, no subsequent motion to reconsider the pending question shall be entertained at the same meeting.

SECTION 15. Except as provided in section fourteen, it shall be in order for any member to move a reconsideration of any question upon which a vote shall have been taken at the same meeting, or at the succeeding meeting, if a notice to that effect has been given at the meeting at which the vote was taken, or a written notice is given to the clerk within twenty-four hours after the meeting at which the vote was taken, but no more than one motion for the reconsideration of any vote shall be entertained.

SECTION 16. No member shall speak more than twice on the same question, if objection is made, without leave of the council, nor more than once until all other members choosing to speak shall have spoken.

SECTION 17. No member shall be permitted to stand up, to the interruption of another, while any member is speaking, or pass unnecessarily between the president and the member speaking.

SECTION 18. All motions and reports may be committed or recommitted, at the pleasure of the council.

SECTION 19. Any member may call for the division of a question where the sense will admit of it.

SECTION 20. When the reading of a paper is called for, and the same is objected to by any members, it shall be determined by a vote of the council.

SECTION 21. When any member shall violate any of the rules and orders of the council, and the council shall have determined that he has so transgressed, the president or the council may require him to make satisfaction therefor, and, in such case, he shall not be allowed to vote or speak, unless by way of excuse, until he has made satisfaction accordingly.

SECTION 22. The seats of the members of the council shall be numbered from one upwards, beginning at the left of the president's chair, and be determined by lot, and no member shall change his seat but by permission of the president.

SECTION 23. A motion for commitment, until it is decided, shall preclude all amendments of the main.

SECTION 24. A motion to adjourn shall be always in order, except upon immediate repetition, and that motion, as also the motion to lay on the table or to take up from the table, shall be decided without debate.

SECTION 25. When a matter has been especially assigned to be taken up at a fixed hour, or at a certain stage of proceedings, such matter shall, at the time appointed, or at any time subsequent thereto, during the same or succeeding meetings, be in order upon the call of any member, and take precedence of all other business.

COMMITTEE OF THE WHOLE.

SECTION 26. When the council shall determine to go into committee of the whole, the president shall appoint the member who shall take the chair.

SECTION 27. The rules of proceeding in the council shall be observed in committee of the whole, so far as they are applicable; but a motion to rise, report progress, and ask leave to sit again shall be first in order, and shall be decided without debate; and the previous question shall not be moved.

ORDER OF BUSINESS.

SECTION 28. At every regular meeting of the council the order of business shall be as follows:

1. Reading of the record.
2. Hearings.
3. Communications from his Honor, the mayor.
4. Communications and reports from city officers.
5. Presentation of petitions, memorials and remonstrances.
6. Reports of committees.
7. Unfinished business of preceding meetings.
8. Motions, orders and resolutions.

The above order of business shall not be departed from, except by a vote of a majority of the members.

SECTION 29. Nominations made by the mayor shall not be acted upon until the next meeting after such nominations are made; and such action, when taken, shall be by a yea and nay vote.

COMMITTEES.

SECTION 30. There shall be appointed standing committees as follows: All committees to consist of three councillors, except as otherwise ordered, but the committee on

finance, the committee on ordinances, and the committee on salaries shall each consist of five councillors, while the president shall compose the committee of legislation.

1. Finance.
2. Public Works.
3. Public Health.
4. Fire Department.
5. Ordinances.
6. Legislation.
7. Claims.
8. Rules.
9. Licenses and Permits.
10. Public Property.
11. Electrical Affairs.
12. Accounts.
13. Military Aid.
14. Salaries.
15. Shade Trees.
16. Traffic Rules.

17. A committee on bonds, to consist of three councillors; said committee to receive and examine all bonds which are to be approved by the city council. Said committee shall also examine annually all bonds and securities given by city officials, or held for the protection of the city against loss, and report to the board upon the sufficiency and condition thereof, such report to be made, if practicable, as early as the month of February in every year.

SECTION 31. All committees shall be appointed by the president, unless otherwise provided.

SECTION 32. Every order or resolution appropriating money shall, upon its introduction into the city council, stand referred to the committee on finance, which shall consider the same and report without delay to the city council, not later than the first meeting which shall be held one week or more after said order or resolution is introduced. No further action shall be taken upon said matter until said meeting, unless said committee shall sooner report.

DUTIES OF THE CLERK.

SECTION 33. In the absence of the president of the council, the clerk or assistant city clerk, or in the absence

of both, the senior member present shall call the council to order and preside, until a president pro tempore shall be chosen. The clerk, or assistant city clerk, shall attend and keep the records of all the meetings of the council; he shall also record the names of the members present, and shall have the care and custody of the city records, and of all documents, maps, plans and papers, respecting the care and custody of which no other provision is made. In case of the absence of both the city clerk and the assistant city clerk from any meeting of the city council, they shall select a clerk pro tempore for such meeting.

SECTION 34. All memorials and other papers addressed to the council shall be presented by the clerk, or by a member in his place, who shall explain the subject thereof, and they shall lie on the table, to be taken up in the order in which they are presented, unless the council shall otherwise direct.

SUSPENSION OR AMENDMENT OF RULES AND ORDERS.

SECTION 35. These rules and orders of business shall be observed in all cases unless suspended for a specific purpose by a unanimous vote, or amended by a two-thirds vote of the members. No amendment shall be acted upon until the next meeting of the council after the same is submitted.

CUSHING'S MANUAL.

SECTION 36. The rules of parliamentary practice comprised in Cushing's Manual shall govern the council in all cases to which they are applicable and in which they are not inconsistent with these rules and orders.

SPECIAL STATUTES

RELATING TO THE CITY OF SALEM.

1773. Chapter
An act employing and providing for the poor in the Town of Salem, and for the better regulating the workhouse in said Town.

1816. Chapter 103.
An act for the more effectual regulation of the market in the Town of Salem, and for other purposes.

1825. Chapter 113.
An act regulating the deposit and transportation of gunpowder in the Town of Salem.

1836. Chapter 42.
An act establishing the City of Salem. (This is the first charter of the City and with its amendments continued in force until the adoption of the commission form of government on November 5, 1912.)

1838. Chapter 12.
An act to prevent obstructions in the Harbor of Salem.

1840. Chapter 44.
An act authorizing the City of Salem to establish ordinances and regulations respecting the survey of lumber.

1853. Chapter 289.
An act authorizing the laying out of a town way across the North River in Salem.

1855. Chapter 465.
An act for the incorporation of the trustees of the Plummer Farm School of Reform for Boys.

1864. Chapter 268.
An act for supplying the City of Salem with pure water.

1865. Chapter 109.
An act to cede jurisdiction to the United States over Winter Island in Salem Harbor.

1866. Chapter 258.
An act in addition to an act for supplying the City of Salem with pure water.

1867. Chapter 163.
An act to authorize the City of Salem to use Essex Bridge.

1867. Chapter 187.
An act to amend an act for supplying the City of Salem with pure water.

1867. Chapter 323.
An act in relation to the fire department of the City of Salem

1868. Chapter 72.
An act in addition to an act for supplying the City of Salem with pure water.

1868. Chapter 302.
An act in addition to an act for supplying the City of Salem with pure water.

1869. Chapter 134.
An act concerning the Salem fire department.

1869. Chapter 154.
An act concerning sidewalks in the City of Salem.

1869. Chapter 186.
An act to authorize the City of Salem to lay out streets over and across the tide-water of Collins Cove.

1869. Chapter 380.
An act relating to the Salem Water Works and to supplying the inhabitants of Beverly with water therefrom.

1869. Chapter 462.
An act for supplying the City of Lynn with pure water.

1871. Chapter 192.
An act concerning the purchase of water rights by the City of Salem.

1871. Chapter 351.
An act concerning pilotage.

1872. Chapter 220.
An act to authorize the laying out of streets in Salem.

1872. Chapter 373.
An act to authorize the City of Salem to construct a street over South River.

1876. Chapter 78.
An act to authorize the appointment and to define the duties of a harbor-master for the Port of Salem.

1877. Chapter 143.
An act in addition to an act for supplying the City of Salem with pure water.

1879. Chapter 134.
An act to extend to the City of Salem the provisions of chapter nineteen of the general statutes in relation to the construction of the words "mayor and aldermen."

1879. Chapter 135.
An act to authorize the City of Salem to take Frye's Mills.

1881. Chapter 213.
An act to authorize the City of Salem to take certain flats in the North River.

1882. Chapter 114.
An act to annex to the City of Salem a parcel of land lying in the Town of Peabody.

1882. Chapter 190.
An act to authorize the City of Salem to take certain lands or flats in the South Mill Pond.

1883. Chapter 185.
An act to authorize the City of Salem to take certain lands or flats in the North River in said city.

1884. Chapter 276.
An act to provide for the filling of vacancies in the school committee of the City of Salem.

1885. Chapter 295.
An act to authorize the City of Salem to construct, lay and maintain a new water main.

1886. Chapter 324.
An act to authorize the City of Salem to take certain tide-water lands for streets and for the preservation of the public health in said city.

1887. Chapter 409.
An act to authorize the City of Salem to assess betterments for work to be done under Chapter three hundred and twenty-four of the Acts of the year eighteen hundred and eighty-six.

1888. Chapter 34.
An act to authorize the City of Salem to accept the deed of gift of Mary A. Bertram and others, and to carry out the provisions thereof.

1889. Chapter 441.
An act to authorize the City of Salem to take certain lands in South River for the laying out of streets and for the preservation of the public health in said city.

1891. Chapter 133.
An act to provide for licensing conductors, drivers, and despatchers of street railway cars in the City of Salem.

1891. Chapter 202.
An act to provide for the apportionment of the expense of constructing a certain highway in the City of Salem and Town of Peabody.

1891. Chapter 285.
An act authorizing the City of Salem to take land for the purpose of preserving the purity of its water supply.

1892. Chapter 3.
An act to authorize the City of Salem to issue bonds, notes or scrip, for the purpose of paying or refunding its indebtedness.

1893. Chapter 364.
An act to provide an additional water supply for the City of Salem.

1895. Chapter 422.
An act relative to the board of overseers of the poor of the City of Salem.

1895. Chapter 112.
Resolve relative to sewage disposal and drainage in Salem and Peabody.

1896. Chapter 97.
An act to require the county commissioners for the County of Essex to relocate and reconstruct the draw in the Essex Bridge between the cities of Salem and Beverly.

1896. Chapter 156.
An act to provide for the appointment of a reserve police force in the City of Salem.

1896. Chapter 69.
Resolve extending the time for the report of the state board of health relative to sewage disposal and drainage in Salem and Peabody.

1898. Chapter 29.
An act relative to the appointment of assistant assessors in the city of Salem.

1898. Chapter 552.
An act to authorize and require the county commissioners for the County of Essex to widen a highway in the City of Salem and to rebuild a bridge between said city and the Town of Marblehead.

1901. Chapter 221.
An act to prevent the pollution of North River in the City of Salem and Town of Peabody.

1901. Chapter 353.
An act to authorize the City of Salem to alter and extend its system of sewage disposal.

1903. Chapter 282.
An act to authorize the City of Salem to make an additional water loan.

1903. Chapter 371.
An act directing the county commissioners of the County of Essex to construct a new bridge over the Danvers River between the cities of Salem and Beverly.

1903. Chapter 413.
An act to establish a board of commissioners of trust funds in the City of Salem.

1904. Chapter 279.
An act to authorize the City of Salem to take certain lands or flats for the abatement of a nuisance and for public parks and playgrounds.

1904. Chapter 312.
An act to provide for an outlet for the sewage of the Town of Peabody.

1904. Chapter 110.
Resolve to provide for reimbursing the City of Salem for expenses incurred in providing quarters for the militia.

1906. Chapter 72.
An act to provide for the appointment of an inspector of provisions, milk, butter, cheese and vinegar for the City of Salem.

1906. Chapter 111.
An act to authorize the City of Salem to make an additional sewerage loan.

1907. Chapter 103.
An act to increase the amount which may be expended by the county commissioners of the County of Essex for constructing a new bridge over the Danvers River between the cities of Salem and Beverly.

1907. Chapter 212.
An act to authorize the City of Salem to take property for a police station.

1907. Chapter 436.
An act relative to the expense of maintaining and operating a certain bridge across Danvers River between the cities of Salem and Beverly.

1907. Chapter 111.
Resolve to provide for the improvement of South River in the City of Salem.

1908. Chapter 117.
An act to authorize the City of Salem to take and fill certain lands or flats in the North River in said city.

1908. Chapter 130.
An act relative to the control of public pleasure grounds in the City of Salem.

1908. Chapter 500.
An act to reduce the number of the school committee of the City of Salem to seven members.

1909. Chapter 151.
An act to authorize the lease of certain land purchased for park purposes in the City of Salem.

1909. Chapter 153.
An act to provide for the appointment of a commission to investigate and report upon the improvement of Salem Harbor.

1909. Chapter 291.
An act to prohibit the taking of fish by means of torches or other artificial light within the waters in and about Nahant Bay, Beverly Harbor, and Salem Bay.

1910. Chapter 448.
An act relative to wires and electrical appliances in the City of Salem.

1911. Chapter 54.
Resolve relative to procuring a water supply for Salem, Beverly and Peabody, and to the use of the waters of the Ipswich River.

1911. Chapter 100.
Resolve to provide for an investigation of the Essex Bridge between the Cities of Salem and Beverly.

1912. Chapter 63.
An act relative to the taking of fish in the waters of the City of Salem.

1912. Chapter 205.
An act relative to the term of office of the commission on the improvement of Salem Harbor.

1912. Chapter 349.
An act to authorize the City of Salem or the board of park commissioners to take certain lands or flats for the abatement of a nuisance, and for public parks and playgrounds.

1912. Chapter 404.
An act to authorize the City of Salem to erect a police station with accommodations for the First District Court of Essex.

1912. Chapter 551.
An act relative to the acquisition of land and to the erection of a training or model school building in connection with the State Normal School at Salem.

1912. Chapter 559, Part II.
(This is the second city charter which provided for a commission form of government, which was in force for three years.)

1912. Chapter 85.
Resolve to provide for investigating the matter of a water supply for the cities of Salem, Beverly and Woburn, and for certain towns.

1913. Chapter 700.
An act to provide an additional water supply for the cities of Salem and Beverly.

1913. Chapter 703.
An act to provide for the widening of Bridge Street in the City of Salem.

1913. Chapter 4.
Resolve relative to the commission appointed to investigate the subject of water supplies for the cities of Salem and Beverly.

1914. Chapter 163.
An act to authorize the City of Salem to incur indebtedness for placing wires underground.

1914. Chapter 632.
An act relative to the membership of the Salem and Beverly Water Supply Board.

1914. Chapter 771.
An act making an appropriation for military expenses in connection with the Salem Fire.

1914. Chapter 773.
An act to authorize the City of Salem to borrow money to replace abated taxes.

1914. Chapter 774.
An act to authorize the City of Salem to borrow money for municipal purposes.

1914. Chapter 777.
An act to establish the Salem Rebuilding Commission.

1914. Chapter 784.
An act to provide for reimbursing the City of Salem from the treasury of the Commonwealth for the abatement of certain taxes.

1914. Chapter 785.
An act making an appropriation for the preservation of the health and safety of the inhabitants of the City of Salem.

1914. Chapter 112.
Resolve to authorize the Board of Harbor and Land Commissioners to estimate the cost of improving certain harbors and rivers.

1915. Chapter 73.
An act to authorize the City of Salem to take certain tide-water lands for streets and for the preservation of the public health.

1915. Chapter 107.
An act to authorize the City of Salem to construct a new bridge over the South River in Salem, and to discontinue the Union Street Bridge.

1915. Chapter 169.
An act to authorize the City of Salem to make an additional water loan and to enlarge its water system.

1915. Chapter 196.
An act relative to the rights of citizens of the City of Salem who may be residing elsewhere temporarily.

1915. Chapter 309.
An act relative to diverting the waters of the Ipswich River and to the installing of measuring and recording devices by the Salem and Beverly Water Supply Board.

1915. Chapter 316.
An act to extend the right of the city of Salem to take land for a reservoir for its water supply.

1915. Chapter 366.
An act to confirm the granting of certain pensions by the City of Salem.

1916. Chapter 145.
An act authorizing the City of Salem to borrow money for municipal purposes.

1916. Chapter 182.
An act relative to wires and electrical appliances in the City of Salem.

1916. Chapter 183.
An act relative to the membership of the Salem and Beverly Water Supply Board.

1916. Chapter 191.
An act to provide for the reconstruction and resurfacing of Bridge Street.

1917. Chapter 158.
An act relating to the widening of Bridge Street.

1917. Chapter 174.
An act to authorize the City of Salem to pension R. L. Newcomb.

1917. Chapter 224.
An act relating to wires and electrical appliances in the City of Salem.

1918. Chapter 69.
An act to authorize the city to pension Michael P. Dugan.

1919. Chapter 15.
An act relative to the taking of water from the Ipswich River.

1919. Chapter 228.
An act to authorize the city to complete the enlargement of its water system.

1920. Chapter 472.
An act to authorize reconstruction of Kernwood Bridge.

1921. Chapter 139.
An act establishing a board of appeal relative to building construction and maintenance.

1922. Chapter 66.
An act extending the time during which the Cities of Lynn, Peabody, Salem and Beverly and the Town of Danvers may take water from the Ipswich River for emergency purposes.

1922. Chapter 40.
Resolve providing for an investigation of the present sewerage system of the Cities of Salem and Peabody and also for an investigation as to the causes of pollution of the North River in said cities.

1922. Chapter 546.
Appropriation for investigation of sewerage system and pollution of North River.

1924. Chapter 245.
An act placing the office of chief of the fire department of the City of Salem under the civil service laws.

1925. Chapter 133.
An act authorizing the City of Salem to pension Charles H. Danforth.

1928. Chapter 364.
An act authorizing the City of Salem to acquire certain flats and lands in or adjacent to Palmer Cove in said city.

GENERAL STATUTES

ACCEPTED BY THE CITY OF SALEM.

1845. Chapter 197.
An act regulating the use of steam-engines and furnaces. Accepted April 14, 1845.

1851. Chapter 70.
An act to authorize members of city councils to hold other offices. Accepted July 28, 1851.

1853. Chapter 315.
An act in relation to the grades of certain streets and ways. Accepted August 1, 1853.

1854. Chapter 361.
An act to regulate the measurement of bark. Accepted May 8, 1854.

General Statutes, Chap. 19, Sec. 12.
Members of city councils may hold other offices. Accepted March 23, 1880.

General Statutes, Chap. 24, Sec. 18-20.
Relating to compensation of enginemen. Accepted December 10, 1880.

General Statutes, Chap. 49, Sec. 72-75.
Relating to weighers of hay and hay-scales. Accepted December 10, 1880.

General Statutes, Chap. 87, Sec. 1-5.
Relating to burnt or dangerous buildings. Accepted March 23, 1877.

1872. Chapter 243.
An act for the prevention of fires in cities and towns. Accepted December 13, 1875.

1874. Chapter 107.
An act concerning sidewalks. Accepted December 10, 1880.

1878. Chapter 47.
An act for the protection of the public against unsafe and dangerous buildings in cities. Accepted February 25, 1879.

1878. Chapter 249.
An act relating to the apportionment of sewer and sidewalk assessments. Accepted December 10, 1880.

Public Statutes, Chap. 60, Sec. 32, 33 and 34.
Relative to weighing of hay and other articles. Adopted April 3, 1895.

Public Statutes, Chap. 50, Sec. 21, 22, 23 and 25.
Relative to sidewalks. Accepted April 3, 1895.

Public Statutes, Chap. 51.
Betterments and other assessments on account of the cost of public improvements. Accepted July 30, 1887.

Public Statutes, Chap. 54, Sec. 9.
Relating to shade trees. Accepted April 18, 1885.

Public Statutes, Chap. 58.
Inspection and sale of provisions and animals intended for slaughter. Accepted March 11, 1885.

1882. Chapter 154.
An act authorizing towns and cities to lay out public parks within their limits. (As amended by Chapter 240 of the Acts of 1890.) Accepted at city election December 13, 1892.

1890. Chapter 74.
An act in relation to the preservation of public health in cities. Accepted November 3, 1890.

1893. Chapter 462.
An act to authorize the establishment of a building line on public ways. Accepted July 11, 1893.

1898. Chapter 267.
An act to authorize cities to pension firemen who have incurred permanent disability while in the discharge of their duty. Accepted Dec. 11, 1900.

1899. Chapter 344, as amended by Chapter 357, Acts of 1900.
An act to make eight hours a day's work for city and town employees. Accepted Dec. 11, 1900.

1901. Chapter 332.
An act relative to the terms of office of city clerks. Accepted December 10, 1901.

1903. Chapter 103, Sec. 7.
Of the supervision of plumbing. Accepted December 16, 1903.

1906. Chapter 476.
An act relating to pensioning call or substitute firemen. Accepted December 13, 1910.

1907. Chapter 428.
An act relative to granting police pensions in cities. Accepted March 27, 1907.

1908. Chapter 315.
An act requiring certain cities and towns to provide public playgrounds. Accepted December 8, 1908.

1909. Chapter 188.
An act relative to police pensions in cities. Accepted March 13, 1914.

1909. Chapter 423.
An act relative to the sale of ice cream, confectionery, soda water and fruits on the Lord's day. Accepted February 15, 1910.

1911. Chapter 367.
An act relative to the use of school halls for other than school purposes. Accepted October 25, 1911.

1912. Chapter 447.
An act relative to the retirement of certain veterans in the service of cities and towns. Accepted October 4, 1912.

1912. Chapter 503.
An act relative to pensioning laborers in the employ of cities and towns. Accepted November 5, 1912.

1912. Chapter 546.
An act relative to vacations of members of the Fire Department. Accepted December 17, 1912.

1912. Chapter 710.
An act relative to the taking of clams and to leases by the Commonwealth therefor to cities and towns in the County of Essex. Accepted March 6, 1914.

1913. Chapter 487.
An act relative to the promotion of call men in the fire department. Accepted December 9, 1913.

1913. Chapter 807.
An act to provide for compensating laborers, workmen and mechanics for injuries sustained in public employment, and to exempt from legal liability counties and municipal corporations which pay such compensation. Accepted December 9, 1913.

1914. Chapter 217.
An act relative to vacations of laborers employed by cities and towns. Accepted November 3, 1914.

Revised Laws, Chap. 48, Sec. 85.
To lay out streets, reserve spaces between the side lines for trees and grass and for planting. Accepted April 7, 1915.

Revised Laws, Chap. 102, Sec. 122 to 126. Amended by Chapter 187, Acts of 1908.
An act relative to the emission of smoke in cities and towns. Accepted January 27, 1916.

General Acts, Chap. 267, Acts of 1915.
City Charter. Accepted November 2, 1915.

General Acts, Chap. 293, Acts of 1916.
An act to authorize the licensing by cities and towns of motor vehicles carrying passengers for hire. Accepted August 12, 1916.

General Acts, Chap. 23, Acts of 1917.
An act to provide for the licensing of coffee houses, so-called. Accepted March 24, 1917.

General Acts, Chap. 254, Acts of 1917.

An act to authorize cities and towns to pay to their employees who enlist in the service of the United States the difference between their military and their municipal compensation. Accepted June 16, 1917.

Chapter 132, Acts of 1919.

An act to provide for the division into day and night forces of permanent members of fire departments. Accepted November 4, 1919.

Chapter 143, Acts of 1919.

An act relative to pensioning school janitors. Accepted March 15, 1920.

Chapter 240, Acts of 1920.

An act to permit, under public regulation and control, certain sports and games on the Lord's day. Accepted December 7, 1920.

Chapter 619, Acts of 1920.

An act to establish a state boxing commission and to permit public boxing exhibitions. Accepted December 7, 1920.

Chapter 14, Acts of 1921.

An act to authorize assessors in towns to appoint assistant assessors. Accepted April 4, 1921.

Chapter 516, Acts of 1922.

An act requiring certain cities and towns to vote on the question of the installation by the Commonwealth of a municipal accounting system. Accepted December 5, 1922.

Chapter 391, Acts of 1923.

An act relative to the collection of water rates. Accepted December 27, 1923.

General Laws, Chapter 32, Sec. 27, Paragraph "B", as amended by Chapter 458, Acts of 1923.

Pensioning foremen, mechanics, drawtenders and assistants, and storekeepers in certain cities and towns. Accepted March 26, 1925.

General Laws, Chapter 32, Sec. 77, Paragraph A and B, as amended by Chapter 458, Acts of 1923.

Pensioning laborers, foremen, mechanics, draw-tenders and assistants, and storekeepers in certain cities and towns. Accepted April 2, 1927.

General Laws, Chapter 32, Sections 80 and 81.

Pensioning permanent and call firemen. Accepted May 19, 1926.

General Laws, Chapter 148, Sec. 6.

Empowering city marshal and chief engineer to enter buildings and have combustible materials removed. Accepted November 22, 1923.

HISTORICAL LIST

OF

MEMBERS

OF THE

CITY GOVERNMENT

FIRST CITY GOVERNMENT OF SALEM.
1836-37.

Mayor

LEVERETT SALTONSTALL

Aldermen

SAMUEL HOLMAN, JR.
OLIVER PARSONS
GEORGE PEABODY
DAVID PINGREE
JOHN WATERS
HENRY WHIPPLE

President Common Council

JOHN G. KING

Common Council

FRAZIER CARLTON
JOHN CHADWICK
JAMES CHAMBERLAIN
STEPHEN A. CHASE
PUTNAM I. FARNHAM
STEPHEN FOGG
WILLIAM GOODHUE
JOSEPH HODGES
WILLIAM HUNT
JOHN G. KING
EBENEZER K. LAKEMAN
HENRY K. OLIVER
WARWICK PALFRAY, JR.
HORATIO PERRY
THOMAS P. PINGREE
DAVID PULSIFER, JR.
DAVID PUTNAM
RICHARD S. ROGERS
JOHN RUSSELL
WINTHROP SARGENT
MICHAL SHEPARD
STEPHEN W. SHEPARD
GEORGE H. SMITH
JOSEPH G. WATERS

FIRST COMMISSION GOVERNMENT OF SALEM.
1913.

JOHN F. HURLEY
Director of Public Safety

WALLACE L. GIFFORD
Director of Public Property

WILLIAM H. COLBERT
Director of Public Health

CHARLES H. DANFORTH
Director of Finance

PATRICK J. KELLEY
Director of Public Works

FIRST CITY GOVERNMENT UNDER PLAN B.* 1916.

Mayor

HENRY P. BENSON

Councillors at Large

RUFUS D. ADAMS
FREDERICK W. BROADHEAD
MICHAEL J. DOYLE
WILLIAM O. SAFFORD
S. HERBERT WILKINS

Ward Councillors

Ward One
JOHN H. GREELEY
Ward Two
JOHN L. SHEEHAN
Ward Three
J. ARTHUR MARCHAND
Ward Four
MICHAEL F. MCGRATH
Ward Five
LANCELOT GIBSON
Ward Six
ALBERT PIERCE

*PLAN B, so called, is a city government constituted in accordance with Parts one and three of Chapter forty-three of the General Laws.

PRESENT CITY GOVERNMENT. 1929.

Mayor

GEORGE J. BATES

Councillors at Large

TIMOTHY W. FITZGERALD
MICHAEL F. MCGRATH
JOHN PICKERING
WILLIAM O. SAFFORD
STEPHEN A. WHIPPLE

Ward Councillors

Ward One
FELIX IRZYK
Ward Two
THOMAS A. KELLEHER
Ward Three
H. FRANCIS DOLAN
Ward Four
TIMOTHY J. O'CONNELL
Ward Five
OMER P. THERIAULT
Ward Six
DENIS T. O'CALLAGHAN

MAYORS.

Leverett Saltonstall	1836, '37, '38	Henry K. Oliver	1877, '78, '79, '80
Stephen C. Phillips	1838, '39, '40, '41	William M. Hill	1883, '84
Stephen P. Webb	1842-44, '60-62	Arthur L. Huntington	1885
Joseph S. Cabot	1845, '46, '47, '48	John H. Raymond	1886, '87, '88, '89
Nathaniel Silsbee, Jr.	1849, '50, '58, '59	Robert S. Rantoul	1890, '91, '92, '93
David Pingree	1851	James H. Turner	1894, '95, 96, '97, '99
Charles W. Upham	1852	David P. Waters	1898
Asahel Huntington	1853	David M. Little	1900
Joseph Andrews	1854, '55	John F. Hurley	1901, '02, '08, '09, '13, '14
William S. Messervy	1856, '57	Joseph N. Peterson	1903, '04, '05
Stephen G. Wheatland	1863, '64	Thomas G. Pinnock	1906, '07
Joseph B. F. Osgood	1865	Arthur P. Howard	1910
David Roberts	1866, '67	Rufus D. Adams	1911, '12
William Cogswell	1868, '69, '73, '74	Matthias J. O'Keefe	1915
Nathaniel Brown	1870, '71	Henry P. Benson	1916, '17
Samuel Calley	1872, '81	Denis J. Sullivan	1918, '19, '20, '21, '22
Henry L. Williams	1875, '76		

PRESIDENTS OF BOARD OF ALDERMEN.

William A. Brooks	1876	Arthur W. West	1893
George R. Emmerton	1877, '78, '79, '80	Edward H. Knight	1894
Charles H. Fifield	1881	William H. Gove	1895, '96
Leverett S. Tuckerman	1882	David P. Waters	1897
George R. Harris	1883	Arthur A. Averille	1898, '99
John P. Peabody	1884, '85	Charles B. Fowler	1900, '01
John H. Batchelder	1886, '87, '88	Michael J. Doyle	1903, '04, '05
Patrick F. Tierney	1889, '90	Alden P. White	1906
Arthur S. Palfray	1891, '92	Henry P. Benson	1907
James H. Turner	1893, *1902, '12	George Lincoln Allen	1908
	1893, 1902, 1912	Harry P. Gifford	1909, '10
		William H. Colbert	1911

* Elected but declined.

ALDERMEN.

Adams, Rufus D. 1909, '10
Allen, George Lincoln 1906, '07
Andrews, John P. 1848
Archer, Charles A. 1904, '05
Arey, Reuben 1885, '88, '89
Austin, Eleazer 1854, '55
Averill, James W. 1878, '79, '81
Averille, Arthur A. 1895, '96, '97, '98, '99
Barlow, John 1864, '65
Batchelder, John H. 1885, '86, '87, '88
Benjamin, Charles A. 1878
Benson, Emery K. 1882
Benson, Henry P. 1906, '07, '12
Bettis, John B. 1884, '89, '90
Bodwell, G. Arthur 1900, '01
Bowker, Joel 1843
Brewster, Ira A. 1857, '58
Broadhead, Frederick W. 1912
Brooks, Henry M. 1865
Brooks, William A. 1872, '73, '74, '75, '76
Brown, Edward 1856
Brown, Edward F. 1884
Brown, Francis 1861
Brown, George F. D 1860
Brown, Nathaniel, Jr. 1866, '67, '68
Brown, Samuel 1872, '81
Brunet, Emile 1912
Butman, Francis C. 1869
Cabot, Joseph S. 1843, '44
Cahill, John J. 1909, '10
Caller, James M. 1869
Calley, William 1856, '57
Carlton, Charles A. 1883
Cashman, John H. 1902
Cass, William F. 1892, '93
Chadwick, John 1842
Chapman, George R. 1863, '64, '65, '72, '73, '75, '76
Chaput, Paul 1903, '04, '05, '06, '07
Chase, Stephen A. 1862
Chase, William 1846
Choate, George 1853
Choate, George F. D 1869
Clapp, William A. 1900, '01
Cleveland, William A. 1897
Colbert, William H. 1905, '06, '07, '08, '10, '11, '12
Collins, George A. 1886, '87
Cook, James P. 1870
Creesy, William A. 1870, '71
Creesey, George W. 1891
Curtis, Heman F. 1895
Daley, Miles J. 1902
Dalrymple, Simon O. 1869
Dalton, Joseph 1850
Dalton, J. Frank 1893
Danforth, Charles H. 1897, '98, 99
Davis, John H. 1877
Dickson, Walter S. 1883
Doyle, Michael J. 1900, '01, '02, '03 '04, '05, '06, '07, '08, '09, '10
Dudley, Albion M. 1890
Dwyer, John 1849, '50, '61
Eaton, John D. 1877
Emmerton, Ephraim 1839, '40, '41
Emmerton, George R. 1877, '78, '79, '80
Entwistle, J. Clifford 1895
Evans, Alvah A. 1860, '68
Fabens, Augustus J. 1894
Fanning, Thomas H. 1900
Faxon, Elisha J. 1884
Felt, John G. 1852, '53
Felton, William S. 1900, '01
Fifield, Charles H. 1880, '81
Fisk, John B. 1860, '61, '62, '63, '71
Fitz, Daniel P. 1857, '58, '59
Flint, Simeon 1869
Flynn, Michael H. 1894

Note—"D" designates elected but declined to serve; "deceased" designates elected but the member-elect died before taking office.

Foster, Edwin O. 1899
Foster, Isaac P. 1847, '49
Frothingham, Thomas H. 1866, '67
Frye, Nathan 1845, '46
Fouhey, William F. 1912
Fowler, Charles B. 1900, '01
Full, George W. 1908
Gage, Andrew, Jr. 1889, '90
Gifford, Harry P. 1909, '10
Gifford, James B. 1881, '82
Gifford, Thomas J. 1878, '79, '80
Gillis, James A. 1860
Glover, George D. 1885, '86
Goodell, Abner C., Jr. 1865
Goodhue, William P. 1855, '56, '57, '66, '67, '68
Gove, William H. 1894, '95, '96
Griffin, Nathaniel 1845
Hanson, Elijah A. 1851, '52, '53
Harney, William B. 1907
Harrington, Charles 1870
Harris, George R. 1882, '83
Harris, Walter S. 1877
Hatch, Lemuel B. 1871
Hathaway, George G. 1898, '99, 1902
Higbee, Charles 1881
Higgins, John H. 1911
Hill, Robert E. 1903, '04, '05
Hill, William E. 1895, '96, '97, '98
Hodges, Joseph 1837, '38
Holman, Samuel, Jr. 1836, '38, '39, '40, '41, '42, '43
Howard, Arthur 1911
Hussey, W. G. 1903, '04
Hyde, William L. 1887, '88
Ide, Edwin R. 1874, '75, '79, '82
Ives, Stephen B. 1845, '46, '48, '49, '50, '70
Jackson, John 1875, '76
Kelley, Michael 1897, '98
Kemble, Edward 1878, '79
Kimball, Abraham 1841
Kimball, James 1860, '80
Kinsman, John 1876
Knight, Edward H. 1892, '93, '94, '99
Lakeman, Ebenezer K. 1841
Lally, Thomas J. 1911, '12
Lane, Edward B. 1858
Lindsay, Richard 1871
Little, David M. 1898, '99
Little, Philip 1892, '93
Luscomb, Edwin 1899
Luscomb, Joseph W. 1872, '73, '74
Manning, Richard C. 1877
Mansfield, Daniel H. 1863, '64, '65
Masury, John 1854
Maynes, William 1873, '76, '81
McIntire, William S. 1887, '88
McSweeney, William H. 1907, '08, '09
Meade, William E. 1889
Moore, David 1858, '59
Moulton, Joshua W. 1881
Newcomb, George L. 1851, '52
Newell, Frank F. 1902, '03
Newhall, Alvah T. 1896
Newhall, George H. 1902
Nichols, David 1854, '55
Nichols, Thomas, Jr. 1856
Nichols, William F. 1848, '49
Northey, Abijah 1837, '38
O'Brien, Daniel J. 1892, '93
Osgood, Charles S. 1870, '71
Osgood, John C. 1869, '70
Palfrey, Arthur S. 1889, '90, '91, '92
Palmer, William L. 1879
Parker, William B. 1853, '56
Parsons, Oliver 1836, '37
Patterson, Nathaniel C. 1874
Peabody, Brackley R. 1858
Peabody, Francis 1837
Peabody, George 1836, '38
Peabody, John P. 1884, '85
Perkins, Aaron 1850, '51, '52
Perkins, Fitz W. 1894
Perkins, John A. 1905
Perkins, Joseph S. 1860
Perley, E. Howard 1911

Perry, Augustus 1853
Pettingell, Charles C. D 1871
Pickman, Francis W. 1862, '63, '66
Pingree, David 1836
Pingree, David 1883
Pinnock, Thomas G. 1900, '01
Pitman, Joseph F. 1885, '86
Potter, Samuel A. 1883, '90, '91
Pratt, Henry J. 1878, 1880
Prime, Thomas H. 1866, '67, '68
Putnam, Allen D 1845
Putnam, David 1839, '40, '46, '48
Putnam, Ebenezer 1844
Putnam, George F. D 1871
Quimby, E. Hervey 1867
Rantoul, Robert S. 1880
Reed, William M. 1903, '04, '06, '08
Reynolds, Moses C. 1855, '68
Richardson, Charles M. 1859
Ricker, Oliver P. 1873
Roberts, David 1851
Robertson, Stratton W. 1855, '57, '58, '59
Robson, Matthew 1884
Rogers, John W. 1837, '38
Ropes, Ripley 1857, '59
Ropes, William 1839, '40
Russell, Benjamin W. 1878, '79, '80
Russell, George G. 1891
Russell, John 1844, '45, '50
Sanborn, Franklin T. 1862, '63
Sanborn, George 1871, '72
Saunders, Thomas M. 1846, '47, '48
Sawyer, Addison A. 1894
Schneider, Robert C. 1911
Sheehan, John J. 1884, '85
Silsbee, Benjamin H. 1859
Silsbee, Nathaniel 1851
Silver, Peter 1864
Silver, William 1854
Simonds, Samuel 1845, '46, '47
Smith, Charles D. 1908
Smith, Dana Z. 1861, '62, '72, '73, '74
Smith, George H. 1837, '38, '39, '40, '42, '43, '44
Smith, Horace N. 1889
Sprague, Joseph G. 1841
Stanley, Samuel S. 1848
Stickney, George A. D. 1894, '96, '97
Stimpson, James C. 1847
Stoddard, Daniel 1861, '62
Stodder, Simon 1865, '66
Stone, Irving 1877
Story, Augustus 1852
Stowe, Volney 1875, '76
Symonds, John D. 1854, '55 D
Symonds, Nathaniel G. 1864
Tierney, Patrick F. 1882, '83, '89, '90
Towne, Joseph H. 1859
Townsend, Penn 1855 (deceased)
Tracey, Henry J. 1901
Trask, Thomas 1847, '49, '50, '51, '52
Tuckerman, Leverett S. 1882
Turner, James H. 1890, '91, '92, '93 1902, '11, '12
Turner, Ross S. 1895
Upton, Benjamin 1839, '40, '41
Upton, Charles 1860, '61
Upton, George 1856, '74
Varney, George W. 1886, '87, '88
Very, Nathaniel A. 1885
Walcott, Samuel B. 1853
Ward, Andrew 1849
Wardwell, Henry 1891
Waters, David P. 1895, 1906, '07
Waters, John 1836
Waters, Thomas S. 1867, '69
Waters, William D. 1847
Way, Oliver D. 1884, '86, '87, '88, '98
Webster, John 1864
Webb, Benjamin 1854, '55
West, Arthur W. 1891, '92, '93
Weston, Nathaniel 1844
Wheatland, George 1842, '43

Whipple, Henry 1836
Whipple, Charles L. 1909, '10
White, Alden P. 1903, '04, '05
Wiggins, Pierce L. 1842, '43, '44, '45
Wilkins, S. Herbert 1909, '10
Williams, John S. 1842
Williams, Urban R. 1882, '83, '86, '87

PRESIDENTS OF THE COMMON COUNCIL.

John Glenn King 1836, '37
Richard Saltonstall Rogers 1838
John Russell 1839, '40, '41
Joshua Holyoke Ward 1842, '43, 44
David Putnam 1844
Joseph George Sprague 1845, '46, '47
Jonathan Cogswell Perkins 1848
Benjamin Wheatland 1849, '50, 51
John Whipple 1852, '53
Daniel Potter 1854, '55
John Webster 1856
William Crowninshield Endicott 1857
Stephen Bradshaw Ives 1858
Henry Laurens Williams 1859
James Herrick Battis 1860
Stephen G. Wheatland 1861, '62
William Gardner Choate 1863, '64
Gilbert Lewis Streeter 1865, '70, '71, '72
Charles Stuart Osgood 1866, '67, '68, '69
William Millett Hill 1873, '74, '75
George W. Williams 1875
George Henry Hill 1876
Arthur Lord Huntington 1877, '78
William A. Hill 1879, '80
John M. Raymond 1881, '82
William Leonard 1883
Charles Hiram Ingalls 1884
John Robinson 1885, '86
William E. Meade 1887, '88
Cyrus Anson Jordan 1889, '90
Clifford Brigham 1891, '92, '93
J. Clifford Entwisle 1894
Alvah T. Newhall 1895
William D. Chapple 1896
Thomas L. Davis 1897
William S. Felton 1898, '99
William W. Coolidge 1900
William H. Rollins 1901, '02
Charles A. Archer 1903
Francis A. Seaman 1904
Harry P. Gifford 1905
William H. McSweeney 1906
Samuel H. Batchelder 1907
E. Howard Perley 1908
Lyman E. Hurd 1909
John R. Moulton 1910
Frederick W. Broadhead 1911
Arthur V. Wilson 1912

COMMON COUNCIL.

Abbott, Israel C. 1865
Adams, Joseph 1841
Allen, Edward 1856
Allen, George 1856
Allen, George L. 1890, '91, 1900, '01, '05, '06
Allen, Nathaniel K. 1847, '48, '49, '50, '51
Almy, James F. 1864, '65, '66, '67
Anderson, John M. 1872
Andrew, Charles A. 1840, '41, '42, '43
Andrews, Gilman 1857
Andrews, Gilman A. 1878
Andrews, Joseph 1849, '50
Andrews, William N. 1908, '09, '10, '11, '12
Annable, E. Augustus 1882
Annable, Ephraim 1850
Appleton, Nathaniel 1837, '38, '39
Archer, Charles A. 1901, '02
Archer, Charles F. W. 1884, '85
Archer, William, Jr. 1854, '55
Arey, Reuben 1884
Arnold, Edward B. 1850, '51
Ashton, William B. 1865
Austin, Joseph L. 1888
Austin, Richard 1841, '42, 43, '44
Austin, William R. 1900
Averill, James W. 1872, '73
Averille, Arthur A. 1893, '94
Balch, E. Frank 1876
Balcomb, Charles B. 1889, '90
Balcomb, Henry W. 1877, '78
Barker, Henry M. 1861
Barstow, Benjamin 1861
Batchelder, Albert W. 1891
Batchelder, John A. 1875, '76
Batchelder, John H. 1865, '66, '67, '68, '69
Batchelder, Samuel 1903, '04, '05, '06, '07
Battis, Edward C. 1881
Battis, James H. 1854, '55, 56, '57, '60
Beckford, Charles A. 1865
Bell, John H. 1865
Benjamin, Charles A. 1874, '76, '77
Benson, Henry P. 1902, '03, '04
Berry, Richard N. 1847
Bertram, John 1837, '38
Bertram, Joseph H. M. 1864
Blake, Augustus S. 1882, '83
Blakeley, William A. 1912
Boardman, Benjamin S. 1860
Bousley, George E. 1880, '81
Bovey, James G. 1874
Bowen, Joshua L. 1894, '95, '96
Bowker, Joel 1842
Boyd, Ernest R. 1898, '99, 1900
Breed, Hubbard 1878, '79, '81
Brewster, Ira A. 1839, '40
Brigham, Clifford 1890, '91, '92, '93
Broadhead, Frederick W. 1909, '10, '11
Brooks, Augustus T. 1849, '50, '51, '53
Brooks, John 1856
Brooks, John F. 1874, '75
Brooks, John G. 1840, '41, '42, '46, '47, '48, '49
Brooks, William A. 1870, '71
Brophy, Michael J. 1899
Brown, Charles E. 1870, '71
Brown, C. Warren 1871
Brown, Daniel, Jr. 1857
Brown, Edward 1854
Brown, Edward F. 1868
Brown, Edward F. 1882, '83
Brown, Edward H. 1892, '93
Brown, George F. 1846, '47, '48
Brown, Henry 3d 1856, '57
Brown, Henry J. 1906
Brown, Horace 1881, '82
Brown, James M. 1860, '61
Brown, Jonathan 1841, '42, '47

Brown, Joshua 1872, '73, '74, '75
Brown, Nehemiah 1837, '38, '39, '40
Brown, Nehemiah, Jr. 1849, '50, '51, '52, '53
Brown, S. Augustine 1875, '76
Brown, Samuel 3d 1852, '53
Brown, William B. 1857
Browne, Albert G. 1844
Browne, Edward C. 1896, '97, '98, '99, 1900
Bruce, Robert P. 1877
Brunet, Emile 1910, '11
Buffum, William P. 1860
Burbeck, William H. 1865, '66, '67, '68
Burger, Stephen 1882, '83, '84
Burns, James D. 1907, '08
Butler, William H. 1901
Butman, Francis C. 1866, '67, '68
Byrne, James 1884, '85, '86
Cahill, John J. 1902, '03, '06
Caller, James M. 1857, '58, '66, '67, '68
Calley, Samuel 1860, '61, '62, '69
Calley, William 1855
Carey, J. Henry 1881, '82
Carlton, Frazier 1836
Carr, Joseph H. 1898
Cashman, John H. 1901
Cass, Lewis F. 1910, '11
Cass, William F. 1888, '89, '90, '91
Chadwick, John 1836
Chamberlain, James 1836, '37, '38
Chamberlain, John B. 1892, '93
Chapman, George R. 1859, '60, '61, '62, '71
Chapman, John 1838, '39
Chapman, William O. 1890, '91
Chapple, William D. 1894, '95, '96
Chaput, Paul N. 1894
Chase, Charles H. 1870, '71
Chase, Stephen A. 1836, '37, '38
Chase, William 1841, '42, '43, '48
Chase, William H. 1842
Cheever, Ira 1838, '39, '40, '41
Cheever, James W. 1838
Chipman, Andrew M. 1849, '50, '56
Choate, William G. 1859, '60, '61, '62, '63, '64
Clarence, Joseph G. 1897, '98, '99
Clark, Charles S. 1863, '64, '65, '71
Clark, Clarence S. 1890, '91, '92
Clark, James 1902
Claxton, James M. 1909
Cleaves, Joshua 1870
Cleveland, William A. 1895, '96
Coffey, James 1890, 1903, '05, '06, '07, '10
Cogswell, Arthur C. 1889
Coker, John J. K. 1888
Colbert, William H. 1900, '01, '02
Colby, Samuel 1839, '40, '41, '42
Colby, William C. 1860
Colby, William R. 1877, '78
Colgan, John B. 1884, '85
Collins, Charles J. 1904, '06, '07, '08, '09
Collings, Edward 1870, '71, '73
Collins, George A. 1884, '85
Collins, William F. M. 1878, '79, '80
Connolly, Horace L. 1849, '50
Connolly, Richard 1895, '96
Connolly, William A. 1910, '11, '12
Conrad, David 1867
Conrey, James H. 1858, '59
Conway, John H. 1873, '74, '75
Conway, Patrick M. 1904, '05, '06
Coolidge, William W. 1897, '98, '99, 1900, '01
Cornelius, Alonzo G. 1843
Cousins, Thomas, Jr. 1866
Cox, John B. 1879
Creamer, George 1858
Creesy, George W. 1887, '88
Croker, Josiah M. 1876, '77, '78
Cross, Joseph S. 1866
Crowley, James F. 1902
Cummings, Harlan S. 1894
Cummings, Patrick F. 1900, '01, '02, '03, '04, '05

Cunningham, Lawrence 1876, '77
Curran, Stephen 1858, '59
Curtis, Charles E. 1889
Curwen, James B. 1861
Cutler, Nathan P. 1881, '82, '83
Daley, Miles J. 1897
Dalrymple, Frank T. 1878, '79, '80
Dalrymple, Simon O. 1850, '51, '52
Dalton, Edward H. 1849, '50, '51
Dalton, Joseph 1839, '40, '41
Dalton, Joseph A. 1853
Dalton, J. Frank 1872, '73
Danforth, Charles H. 1891
Danforth, Samuel G. 1860, '62
Daniels, Stephen 1841
Davis, John H. 1872, '73, '74, '75, '76
Davis, Thomas L. 1892, '93, '94 '95, '96, '97, '98, '99, 1900
Day, Albert 1879, '80, '81
Day, Amos P. 1857, '58
Dean, James F. 1879
Dean, Patrick 1881, '82
Delury, John H. 1894
Dennis, Benjamin S. 1881, '82, '83
Dennis, Devereux 1872, '73, '74
Dickson, Walter S. 1873, '74
Dockham, Leslie E. 1908
Dodd, Michael A. 1885
Dodge, Charles W. 1881
Dodge, Edwin H. 1878, '79, '80
Dodge, Pickering 1841 D
Dolan, H. Francis 1909, '11, '12
Donovan, John 1875, '76
Downes, William H. 1878, '79
Doyle, Michael J. 1895, '96, '97, '98
Driscoll, Daniel 1879
Driver, John S. 1858
Driver, Stephen, Jr. 1842
Driver, Stephen P. 1866, '67, '68, '69
Dudley, Albion M. 1887, '89
Dugan, James 1866, '67, '68
Eagleston, John H. 1854
Egan, Patrick D. 1875, '76
Elwell, Charles P. 1862
Emerton, James 1853
Endicott, William C. 1852, '53, '57
Entwisle, J. Clifford 1892, '93, '94
Evans, Alvah A. 1854
Evans, Alvan A. 1887, '88
Fabens, Augustus J. 1890, '91, '92, '93
Fabens, Charles H. 1857
Fabens, Francis A. 1841, '42, '43
Fabens, Frank P. 1905, '06
Fairfield, James, Jr. 1867, '68, '69
Fanning, Thomas H. 1896, '97, '98
Farless, James A. 1856
Farless, Thomas 1840
Farnham, Putnam I. 1836, '37, '38
Felt, Benjamin, Jr. 1845
Felton, William S. 1895, '96, '97, '98, '99
Ferguson, Willard B. 1884, '85
Fiske, Joseph E. 1847, '48, '49
Fitz, Daniel P. 1856
FitzGerald, Joseph A. 1899
Flint, John C. 1894, '95
Flint, Simeon 1857, '58, '59, '60
Florence, Thomas T. 1860
Florentine, Arthur P. 1887
Flynn, Michael H. 1889, '90, '91, '92, '93
Fogg, Stephen 1836, '37, '38
Foley, Edward 1870, '71, '73
Forness, Arthur A. 1888
Foster, Edwin O. 1882, '84
Foster, Isaac P. 1840, '41
Foster, Isaac P., Jr. 1877, '78
Foster, Josiah 1842, '43
Foster, Samuel B. 1854, '61
Fouey, William F. 1909, '10
Fowler, Charles B. 1874, '75, '76
Frothingham, Thomas H. 1856
Fullam, William H. 1893, '94, '95 '96, '97, '98, '99, 1900, '01, '02, '03
Fuller, Henry O. 1890, '91
Fuller, Samuel 1862
Gage, Andrew, Jr. 1854, '55
Gardner, Daniel B. 1880, '83

Gardner, William D. 1883, '84
Gardner, William F. 1865
Gavett, Charles 1865
Getchell, Benjamin W. 1875, '76
Gifford, George A. 1890, '91, '92
Gifford, James B. 1879, '80
Gifford, Harry P. 1902, '03, '04, '05
Gifford, Rufus B. 1855, '56, '63, '64, '65, '70
Gifford, Thomas J. 1857, '61
Gifford, Wallace L. 1912
Glover, George D. 1862, '63, '64 '65, '66, '67, '68, '69
Goldthwait, Aaron, Jr. 1862, '69
Goldthwait, Edward A. 1856, '66, '67, '68
Goodhue, Moses 1848
Goodhue, Samuel A. 1906, '07, '08, '09
Goodhue, Samuel V. 1864
Goodhue, William 1836, '37
Goodhue, William, Jr. 1860
Goodhue, William P. 1849, '54
Graham, Edward T. 1912
Graham, John E. 1889, '91
Grant, Samuel 1842, '43, '44
Green, Charles 1859, '60, '61
Greenlay, James C. 1905
Griffith, Thomas 1847, '48
Grover, John 1855
Hale, James F. 1879, '80
Hall, Edwin A. 1884, '85, '86
Hamond, William C. 1856, '60, '70, '71
Hamond, William G. 1891, '92
Handy, Charles C. 1904, '05, '06, '07
Handy, Kelly W. 1885, '87
Hanson, Elijah A. 1842, '43, '44, '45, '46
Hardy, Augustus 1855, '56
Hardy, Henry W. 1907
Hardy, Temple 1877
Hartnett, Thomas 1896, '97
Harney, William B. 1903, '04, '05, '06
Harrington, Charles 1858, '59
Harrington, Henry 1870
Harrington, Leonard B. 1841
Harris, George R. 1877, '78, '79
Harris, Israel P. 1860
Harris, Ralph B. 1911
Harris, Walter C. 1881, '82, '83, '87, '88
Harris, Walter L. 1882, '84
Harris, Walter S. 1855, '56
Harris, William S. 1888, '89
Hart, Richard 1911, '12
Hartigan, John J. 1879, '80, '81, '82, '83
Hartnett, Thomas 1893, '94, '95
Haskell, Daniel C. 1854, '55
Hatch, Elbert J. 1893
Hatch, Lemuel B. 1847, '48, '50, '51, '52, '53
Hathaway, Eleazer, 1855
Hathaway, George G. 1891, '92, '93
Hathaway, John 1876
Hawes, Benjamin F. 1877, '78
Hayward, Clarence 1884, '85, '86, '87
Healey, William J. 1911, '12
Hebron, James J. 1874
Henderson, Daniel 1859
Hersey, Freeman C. 1886, '87, '88
Higgins, John H. 1908, '09, '10
Hill, George H. 1872, '73, '74, '75, '76
Hill, Robert W. 1906, '07
Hill, William A. 1877, '78 ,'79, '80
Hill, William E. 1892, '93
Hill, William M. 1872, '73, '74, '75
Hiltz, Jacob C. 1872, '73, '74
Hoar, William M. 1911, '12
Hobbs, Edward 1883, '84, '85
Hodgdon, George C. 1851, '52
Hodges, Edward 1857
Hodges, John 1843
Hodges, Joseph 1836
Holden, Nathaniel 1856
Horton, Nathaniel 1849, '51

Horton, Nathaniel A. 1861, '62
Howard, John, Jr. 1839
Howard, John C. 1851
Howe, John J. 1883, '84
Hubon, Henry G. 1855, '56
Hunt, Joseph 1854
Hunt, Thomas 1855
Hunt, William 1836, '37, '38 '45, '46, '47, '49, '50
Huntington, Arthur L. 1875, '76, '77, '78
Hurd, Lyman E. 1906, '07, '08, '09
Hurley, John J. 1900, '02, '04, '05, '07, '08, '09
Huse, John 1858
Hyde, David J. 1911, '12
Hyde, William L. 1885, '86
Innis, Charles W. 1885
Ingalls, Charles H. 1883, '84
Ivers, William J. 1908, '09
Iveh, John S., Jr. 1890, '91
Ives, Henry P. 1865
Ives, Stephen B. 1840, '41, '52, '58
Jackman, Nathaniel M. 1872, '80, '81, '82
James, Daniel 1912
Jeffrey, William T. 1906, '07
Jenkins, Thomas O. 1907
Jewett, Daniel H. 1858, '61, '62, '63
Jewett, John 1839, '40, '50, '51, '52, '53
Jewett, Holten B. 1902, '03, '04
Jewett, Thomas S. 1852, '53
Jocelyn, Edwin 1854
Johnson, Daniel H. 1880
Johnson, Henry D. 1865 D
Johnson, Thomas H. 1861, '62
Johnson, William H. 1870 D
Jordan, Cyrus A. 1887, '88, '89, '90
Joyce, William M. 1902, '05
Julyn, Charles W. 1896, '97
Keating, James 1874, '75
Kenney, Jonathan A. 1857, '60
Kiernan, Michael A. 1906
Kiley, Robert D. 1908
Kimball, Abraham 1839, '40
Kimball, Eben W. 1862
Kimball, George 1854, '55
Kimball, James 1839, '40, '41, '42, '43, '54
Kimball, James S. 1853
Kimball, James S. 1904, '05, '07
Kimball, John E. 1889, '90
Kimball, Harry W. 1910
Kimball, William 1839, '40, '41, '42, '43
King, James 1842, '43
King, John G. 1836, '37
Kingsley, Frank D. 1893
Kingsley, George W. 1876
Kingsley, George 1896, '97, '98
Kinsman, William L. 1880
Knight, Edmund F. 1894, '95, '96
Lakeman, Ebenezer K. 1836, '37, '38, '39, '50, '51, '52
Lally, Thomas J. 1907
Lamson, Charles 1858, '59, '62, '63, '64, '65
Lamprey, Charles F. 1902, '03, '04
Lane, Edward B. 1853
Lane, Ernest P. 1903, '04
Layton, Thomas H. 1892
Leach, Henry R. 1897, '98
Lee, Benjamin A. 1900
LeBrun, Harry N. 1911, '12
Leonard, William 1876, '81, '82, '83
Leveque, Napoleon 1903, '04, '05, '07
Liebsch, Anton E. 1911, '12
Little, Philip 1891
Leonard, Francis H. 1911
Leveille, Jean B. 1911
Long, Richard D. 1903
Lord, Andrew 1846, '47, '48
Lord, Daniel 1843, '44
Lord, James A. 1856
Lord, William S. 1874, '75
Lougee, Joseph L. 1875, '76
Lovett, John T. 1886
Luscomb, Charles B. 1855

Luscomb, Henry, Jr. 1854
Luscomb, William E. 1880, '81, '86, '87
Mack, Elisha 1845, '46, '47, '48
Mack, John J. 1881, '82
Mack, Thomas F. 1910, '11
Mackenzie, Roderick A. 1868, '69
Macintire, John H. 1851, '52
Maloon, William 1863, '64, '65, '66, '67, '68, '69
Manning, Charles H. 1861
Manning, Richard C. 1863, '64
Mansfield, Benjamin 1893
Mansfield, Ira 1867, '68
Mansfield, Micajah B. 1863
Mansfield, Nathaniel B. 1844, '45
Mansfield, William B. 1890, '91
Marden, Lewis W. 1895
Martin, William F. 1888
Martin, William P. 1857, '66, '67, '68, '69
Masury, John 1842, '43, '44
Masury, S. Frank 1892
Matthews, Arthur J. 1904, '05
Maynes, William 1871
McCrillis, Ransom F. 1892
McCusker, Patrick J. 1883
McElroy, Patrick, Jr. 1907
McGrath, Michael F. 1911, '12
McIntire, William E. 1865, '66,' 67, '68, '69
McIntire, William S. 1884, '85, '86
McIntire, Thomas J. 1874, '76
McKean, William 1879, '80, '81
McKeever, William 1875, '76
McMullen, William 1859
McNiff, Peter 1891, '92, '93
McNulty, John J. 1890, '91
McSweeney, Morgan J. 1900, '01
McSweeney, William H. 1905, '06
Mead, Thomas 1908, '09
Meade, William E. 1885, '86, '87, '88
Melcher, George B. 1870, '71, '72
Melcher, Henry K. 1905, '06, '07, '08, '09
Merrill, Edward W. 1901, '02
Merrill, Eugene H. 1892
Merrill, Samuel A. 1858, '59
Merrill, Samuel S. 1882, '83
Merrill, William A. 1899, 1900, '01
Merritt, David D 1863
Millea, Lawrence E. 1878
Miller, Ephraim F. 1844, '45, '46
Millett, Lewis H. 1898, '99
Mirick, Stephen 1838
Monoghan, Daniel A. 1875
Monaghan, John P. 1874
Mooney, John T. 1869, '70
Moore, David 1838, '39
Morrill, William A. 1900
Moreland, Charles W. 1899
Moulton, Joseph C. 1885, '86
Moulton, John P. 1908, '09, '10
Moulton, Joshua W. 1857
Mudgett, George W. 1893
Mullett, George W. 1842
Murphy, James L. 1892
Murphy, John H. 1894
Murphy, William H. 1901
Nagle, Richard 1886
Nash, Dennis J. 1893, '94, '95, '96
Nason, Benjamin F. 1895
Needham, Thomas 1844, '45, '46, '47, '48, '49, '50
Neville, William P. 1888, '89
Newcomb, George L. 1844, '45, '46, '47
Newell, Frank F. 1900, '01
Newhall, Alvah T. 1891, '92, '93, '94, '95
Newhall, George A. 1898, '99, 1900
Newhall, James S. 1873, '74
Newhall, John F. 1864
Nichols, David 1847, '48, '49
Nichols, James B. 1860, '66, '67, '68, '69
Nichols, Samuel 1843, '44, '45, '46
Nichols, Thomas, Jr. 1851, '52, '53, '63, '64, '65, '66
Nichols, William H. 1875, '76

Nichols, William S. 1891, '92
Noble, Henry A. 1901
Noonan, Michael J. 1884, '85, '86
Norris, Charles H. 1860, '61, '62
Northend, William D. 1862, '72
Norton, La Forest 1897
Norton, Thomas H. 1886
Noyes, Enoch K. 1855, '61
Ober, Andrew 1866, '67, '68
O'Brien, Daniel J. 1882, '83, '84 '85, '86, '87, '88, '91
O'Brien, Martin 1882, '83
O'Callaghan, Dennis T. 1905
O'Keefe, Patrick 1886
O'Keefe, Matthias J. 1908
O'Keefe, William B. 1886
O'Mahoney, Daniel J. 1899
Oliver, Henry K. 1836, '37, '38
Osborn, Herbert 1906, '07, '08, '09, '10
Osborn, Josiah B. 1866, '67, '68, '69
Osborn, Aaron 1861
Osborne, Charles H. 1895, '96, '97, '98
Osborne, Stephen 1843, '44, '45, '46
Osgood, Charles S. 1864, '65, '66, '67, '68, '69, '73
Osgood, John C. 1863, '64
Osgood, Joseph 1871
Osgood, Joseph B. F. 1849, '50, '51, '52, '53
Page, Jeremiah 1853
Palfry, Arthur S. 1887, '88
Palfry, Warwick, Jr. 1836, '37, '38
Palmer, William H. 1853, '64, '65, '70
Patterson, Nathaniel C. 1870, '71, '72, '73
Peabody, George 1842
Peabody, George L. 1889, 1901, '02
Peabody, Samuel E. 1853
Pease, Charles H. 1899, 1900, '01
Peck, Walter F. 1889, '90
Peele, Robert 1847
Peele, William 1841 D
Peirson, George H. 1857
Peirson, Horatio P. 1894, '95
Pendar, Samuel D. 1889
Pepin, Chauncey 1900, '01, '02
Pepper, Walter L. 1910, '11, '12
Perkins, Aaron 1846, '47, '48, '49
Perkins, Benjamin M. 1859
Perkins, Daniel, Jr. 1852, '53
Perkins, Edward A. 1889, '90
Perkins, George H. 1877, '78, '79
Perkins, Horace S. 1873, '74, '77, '78
Perkins, Jeremiah S. 1842
Perkins, Jorathan C. 1840, '45, '46, '47, '48
Perkins, John A. 1902, '03, '04
Perkins, Nathaniel B. 1844, '45, '47, '56
Perkins, Nathaniel B., Jr. 1865, '71
Perley, E. Howard 1903, '04, '05, '06, '07, '08
Perley, Jonathan, Jr. 1854, '55
Perry, Horatio 1836, '37, '38, '39, '40, '41
Perry, Jairus W. 1858, '59, '61, '62, '63, '64
Perry, William 1885
Peterson, Joseph N. 1881
Pettingell, Charles C. 1869
Phalen, Daniel J. 1907, '09
Phelps, William, Jr. 1848
Phillips, James Duncan 1900, '01
Phillips, Stephen W. 1903, '04
Phippen, Charles H. 1897
Phippen, Joshua 1849, '50, '52
Pickering, John, Jr. 1871, '73, '74
Pierce, Albert 1908, '09, '10
Pingree, Thomas P. 1836, '37
Pinkham, Charles H., Jr. 1884, '85
Pitman, George W. 1894
Plummer, George E. 1893
Potter, Daniel 1842, '43, '44, '45 '46, '48, '54, '55, '69, '70
Potter, James 1844, '45
Potter, Jesse S. 1890

Potter, Samuel A. 1878, '79, '80
Pousland, Charles F. 1884, '85
Pousland, William P. 1883, '84
Preston, John 1858, '59, '60, '62 '63, '64, '65, '69, '70, '71, '72
Price, Charles H. 1863
Prime, James M. 1857, '61, '62
Prime, Thomas H. 1863, '64
Pulsifer, David, Jr. 1836, '37, '38, '39
Pulsifer, Nathaniel 1861
Putnam, Alfred 1901, '02
Putnam, Charles A. 1857, '58, '63
Putnam, David 1836, '37, '38, '42, '43, '44, '45
Putnam, George F. 1858, '59
Putnam, Nathan 1854
Putnam, Ralph B. 1910
Quinn, Thomas 1864
Raboin, Eugene 1912
Raymond, John M. 1881, '82
Read, Charles W. 1888, '89
Reeves, Robert W. 1867
Reith, William, Jr. 1877, '78
Reynolds, John W. 1871, '72
Rhoades, John 1854, '55
Richardson, Charles M. 1845, '46, '47, '48, '49, '50
Richardson, Charles W. 1880
Rideout, Justin 1853 D
Rideout, Nathaniel 1845
Riley, Edward J. 1912
Riley, James 1875, '79, '80
Riley, John M. 1889
Robbins, Jesse 1894, '95, '96, '97, '98, '99
Roberts, David 1837, '38, '39, '41, '45
Roberts, Henry K. 1909, '10
Roberts, William S. 1850, '51, '52, '53, '60
Robertson, Stratton W. 1854
Robinson, John 1882, '83, '84, '85, '86
Robson, Matthew 1877, '78
Rogers, Augustus D. 1854
Rogers, George W. 1879
Rogers, Richard S. 1836, '37, '38
Roles, Samuel, Jr. 1856
Rollins, William H. 1895, '96, '97 '98, '99, 1900, '01, '02
Ropes, Charles A. 1858, '59
Ropes, Edward D. 1876, '77, '78
Ropes, George 1869, '70
Ropes, James 1841, '58, '59, '60
Ropes, John T. 1863, '64, '65
Ropes, Reuben W. 1889, '90, '91
Ropes, Ripley 1853, '63
Ropes, Timothy 1839, '40, '51
Ropes, Willis H. 1886, '87
Rowell, Edward F. 1885
Russell, Benjamin W. 1877
Russell, George G. 1882, '83, '89, '90
Russell, Henry, Jr. 1843, '46, '47
Russell, John 1836, '37, '38, '39 '40, '41, '42, '46, '47, '48, '49
Russell, John W. 1862, '63, 64, '71, '72
Rust, George P. 1872, '73
Ryan, James G. 1886, '87, '88, '89
Ryan, William H. 1898, '99, 1900, '03, '04, '05
Safford, James O. 1865, '66, '67, '78
Safford, Joshua 1848
Safford, William O. 1900, '01, '02, '03, '04
Sanborn, Franklin T. 1851, '52, '61
Sanborn, Theophilus 1844
Sargent, George H. 1901, '02
Sargent, Winthrop 1836, '37, '38, '50
Saunders, Joseph B. 1893, '94
Saunders, Thomas M. 1844, '45
Savory, Tristam T. 1877, '78
Sawyer, Howard B. 1889
Scott, Robert 1885
Seaman, Francis A. 1902, '03, '04
Shallow, William A. 1887, '88
Shannon, Isaac W. 1877

Shattuck, George H. 1905, '06
Shaw, Xenophon H. 1854, '55
Shea, Bartholomew J. 1912
Sheehan, John J. 1882, '83
Shepard, John B. 1851, '52, '53
Shepard, George A. 1896, '97, '98, '99
Shepard, Michael 1836, '37, '38
Shepard, Stephen W. 1836
Sheridan, Phillip 1883, '84
Shoules, Walter U. 1881
Shreve, Octavius B. 1870
Sibley, Joseph A. 1887
Silsbee, George S. 1882
Silsbee, John B. 1843, '44
Simonds, Nathaniel G. 1877
Simonds, Samuel 1840, '41
Skinner, Charles E. 1871, '72, '73
Skinner, Richard, Jr. 1862
Slocum, Ebenezer 1845, '46, '47, '49
Smith, A. Augustus 1865, '66, '67, '68, '69, '70, '71
Smith, Alonzo H. 1880, '81, '82
Smith, Caleb S. 1854
Smith, Charles A. 1905, 06
Smith, Dana Z. 1855, '56, '58, '59, '60
Smith, George H. 1836
Smith, George H., Jr. 1855
Smith, Henry B. 1848, '49, '50, '51, '52
Smith, Jesse, Jr. 1837
Smith, John R. 1854, '55
Smith, Lyman A. 1870, '71, '72, '73
Somerby, John P. 1874, '75
Southwick, Edward A. 1897, '98
Spencer, John E. 1893, '94, '95
Sprague, Joseph G. 1839, '40, '42, '45, '46, '47
Standley, Samuel S. 1842, '43, '44
Staples, A. Joseph 1892, '93, '94, '95
Stevens, George O. 1898, '99
Stickney, George A. D. 1892
Stimpson, James C. 1839, '40, '44, '45
Stoddard, Daniel 1852, '53
Stodder, Simon 1863
Story, Augustus 1848, '49, '50, '51
Stowe, Volney C. 1848, '54, '55, '57, '70, '71, '72
Streeter, Gilbert L. 1862, '63 '64, '65, '69, '70, '71, '72
Sullivan, John F. 1908, '09, '10, '11
Sullivan, William J. 1887, '88, '89
Sylvester, Frederic 1903, '11, '12
Symonds, Benjamin R. 1863, '64, '65
Symonds, Charles E. 1854, '92, '96, '97
Symonds, Charles H. 1881, '85, '86
Symonds, Dean C. 1857
Symonds, George H. 1883, 1911, '12
Symonds, John D. 1844, '45
Symonds, Joseph 1870, '71
Symonds, J. Clifton 1894
Symonds, Thomas S. 1890, '91
Tadgell, Henry 1901, '02, '03, '04, '05
Thayer, Oliver 1843
Thurston, Henry W. 1868, '69
Tibbetts, Andrew J. 1859, '74, '75, '76
Tibbetts, Frank P. 1907, '08
Tierney, Patrick F. 1880, '81
Tobin, Thomas H. 1909, '11
Todd, John E. A. 1872, '73
Touret, Benjamin A. 1889, '90
Towle, Abraham 1863, '69, '70
Towne, John C. 1876, '77
Townsend, Penn 1854
Toomey, John J. 1911, '12
Tracey, Henry J. 1898, '99, 1900
Trask, Thomas 1846
Treadwell, Nathaniel R. 1866, '67, '68
Tremblay, Hermen T. 1910
Trofatter, John H. 1872, '73, '74
True, Abraham 1839, '40
Trumbull, Charles W. 1853
Trumbull, Walter H. 1886, '87

Tuttle, Charles H. 1875, '87, '88
Tuttle, Francis R. 1887, '88
Upton, George 1858
Upton, James 1846, '47
Upton, Moses T. 1856
Varney, Daniel A. 1880
Varney, George W. 1873, '75
Very, George F. 1906, '07, '08
Very, Nathaniel A. 1869, '70
Very, Nathaniel T. 1900
Voyer, Elias 1908, '09
Walcott, Samuel B. 1851, '52
Walton, Eben N. 1859, '60
Ward, Israel, Jr. 1842, '43
Ward, Jonathan O. 1879, '80
Ward, Joshua H. 1842, '43, '44
Ward, Samuel 1841
Wardwell, Albert F. 1911, '12
Wardwell, Henry 1890
Wardwell, John S. 1894, '95, '96
Warner, Frederick 1901, '02
Waters, John G. 1846
Waters, Joseph G. 1836, '37
Waters, William D. 1839, '40, '44
Waters, William F. 1903
Watts, William J. 1894, '95, 1910
Way, Oliver D. 1876, '77, '78, '79
Webb, Joseph H. 1866, '67, '68, '69
Webb, Samuel 1893, '97
Webb, Stephen 1838
Webb, William G. 1873, '74
Webber, William G. 1876, '77, '78
Webster, John 1856
Webster, John C. 1860
Welch, William L. 1886, '87, '88, '90
Welsh, Charles H. 1896
Wendell, Frank A. 1892
Wentworth, Franklin H. 1910
Wentworth, Louis E. 1858, '59
Wentworth, Nelson P. 1886, '87, '88, '89
Wentzell, David 1879
Wentzell, David A. 1894, '95, '96
Weston, Nathaniel, Jr. 1863, '64
Wheatland, Benjamin 1848, '49, '50, '51
Wheatland, George 1841
Wheatland, Stephen G. 1852, '53, '59
Wheeler, Harry D. 1905, '06
Whelton, James 1906, '07, '08, '09, '10, '12
Whipple, John 1845, '46, '47 '48, '49, '50, '51, '52, '53
Whipple, Stephen 1857
Whipple, Stephen L. 1886, 87, '88
White, Benjamin R. 1856, '57, '58, '63
White, John 1855
Wilkins, Albert 1856, '57
Wilkins, Charles F. 1873
Wilkins, John H. 1862
Williams, George W. 1861, '62, '72, '73, '74, '75
Williams, Henry L. 1858, '59
Williams, John S. 1839, '40, '41
Williams, John S. 1881, '82, '83, '84, '85
Williams, Urban R. 1860, '61, '62, '79
Wilson, Arthur 1910, '11, '12
Wilson, John M. 1907, '10
Woodbury, Ezra 1856, '57
Worcester, Jonathan F. 1846

A LIST OF MEMBERS, OTHER THAN MAYORS, UNDER THE COMMISSION FORM OF GOVERNMENT.

COMMISSIONERS.

Charles H. Danforth,	1913, '14, '15	Patrick J. Kelly	1913, '14, '15
William H. Colbert	1913	Thomas J. Lally	1914
Wallace L. Gifford	1913, '14, '15	William O. Safford	1915

A LIST OF MEMBERS, OTHER THAN MAYORS, UNDER THE PRESENT CHARTER.

COUNCILLORS-AT-LARGE

Rufus D. Adams	1916, '17	Timothy W. Fitzgerald	1922-1929
G. Arthur Bodwell	1918-1927	Michael J. Doyle	1916-1927
Frederick W. Broadhead	1916, '17, '18, '19, '20, '21	William O. Safford	1916-1929
		S. Herbert Wilkins	1916-1923

WARD COUNCILLORS

Emile Brunet	1921, '22	Michael F. McGrath	1916-1920
Edward J. Clifford	1923, '24	Eustache Morin	1927, '28
Timothy A. Donahue	1925-1928	Timothy J. O'Connell	1925, '26, 29
H. Francis Dolan	1929	Albert Pierce	1916-1924
George B. Farrington	1923-1926	Michael E. Ryan	1921-1924
John C. Flint	1917, '18	Richard D. Seamans	1923-1926
Lancelot Gibson	1916	John L. Sheehan	1916-1920
John H. Greeley	1916-1926	Omer P. Theriault	1917-1929
Felix Irzyk	1927-1929	John J. Toomey	1927, '28
Thomas A. Kelleher	1929	John M. Wilson	1921, '22
Joseph Marchand	1919, '20		
J. Arthur Marchand	1916		

PRESIDENTS OF THE CITY COUNCIL.

Rufus D. Adams	1916	Timothy W. Fitzgerald	1928, '29
Frederick W. Broadhead	1917, '21	Omer P. Theriault	1918, '19, '20, '22
Michael J. Doyle	1923-1927		

DEFINITION OF AN ORDINANCE

An Ordinance is a by-law of a municipality, enacted by the council or governing body as a local law, prescribing a general and permanent rule for persons or things within the corporate boundaries.

ESSENTIALS OF A VALID ORDINANCE

An ordinance may be void not only for want of corporate power to enact it, or for the failure to observe the prescribed procedure, essential to its validity, but also because it is contrary to certain well-established doctrines of the law in regard to such regulations, chief of which are that a municipal ordinance, in order to be valid:

(a) must not contravene constitution or statute;
(b) must not be oppressive;
(c) must be impartial, fair and general;
(d) must not prohibit, but may regulate trade;
(e) must not contravene common right;
(f) must be consistent with public policy;
(g) must not be unreasonable.

INDEX TO ORDINANCES AND STATUTES.

	CHAP.	SEC.	PAGE
ABATEMENT			
of taxes	2	7	28
of water rates	48	20	265
ACCIDENTS, see Claims and Accidents			
to be reported by police officers and city employees	13	4	107
ACCOUNTS, see Finance			
all accounts to be collected by city collector	17	23	137
ACTING MAYOR			
duties of	—	—	10
president of council to be	—	—	10
ACTS, GENERAL			
accepted by the city	—	—	317
ACTS, SPECIAL	—	—	305
AIR-GUNS			
shooting and use of, prohibited in streets	42	15	228
ALLEYS, see Streets			
ALTERATION, see Buildings			
ANIMALS			
bodies not to be thrown into streets or water	22	15	162
not to go at large in streets	42	1	225
not to be fastened to poles, etc.	42	2	225
bells to be attached to sleighs and sleds	43	1	236
not to be fastened to tree	38	7	214
ANIMALS, Inspector of, see Inspector of Animals			
ARMORIES, see Buildings			
included in warehouse class in building ordinance	5	22	47
ASHES			
receptacles for, in certain cases to be of incombustible material	5	70	65
in barrels on sidewalks, not to be spilled	42	29	231
ASSESSMENTS			
sewers	37	2	206
sidewalks	39	4	216
taxes	2	4	28
See Sewers, Sidewalks, and Taxes			

	CHAP.	SEC.	PAGE
ASSESSORS AND ASSISTANT ASSESSORS			
appointment of	2	1	27
chairman, election of	2	1	27
duties and liabilities	2	1	27
organization of board of	2	1	27
secretary, election of	2	1	27
tenure of office	2	1	27
appointment and duties of assistants	2	2	27
assessment and collection of taxes	2	4	28
chairman to examine returns in office of tax collector	2	3	28
duties of secretary	2	3	28
to submit warrant to city collector	2	4	28
abatement of taxes, how made, recorded	2	7	28
compensation of assessors	14	1	111
compensation of assistant assessors	14	1	111
may divide any ward into assessment districts	2	6	28
oath of office	2	8	29
to certify abatements to city collector	2	7	28
to make list of persons liable to enrolment in militia	2	5	28
to make list of dogs	2	5	28
office hours	2	16	30
sewer assessments to be apportioned by	37	7	207
ASSIGNMENT OF WAGES			
not to be made by city officers	10	16	99
AUDITOR, see City Auditor			
AWNINGS			
not to be placed in street without permit	42	21	229
construction of, regulated	42	21	229
city council may order removal	42	21	229
BALL PLAYING			
in streets, prohibited	42	15	228
BALLOONS			
flying in streets, prohibited	42	15	228
BARBED WIRE FENCE			
certain abutting street prohibited	37	7	217
BASEMENT			
defined	5	22	43
BATHING			
persons to be properly clothed	42	17	228
BAY WINDOW			
defined	5	22	42
BELLS			
ringing may be prohibited in case of illness	22	22	164
to be attached to sleighs and sleds	43	1	236

	CHAP.	SEC.	PAGE
BILLS			
not to be distributed on streets	42	15	228
BILLS AND ACCOUNTS, see Finance			
BILLIARDS, see Pool, Billiard and Bowling Alley Licenses			
BILL POSTING			
on buildings, fences, poles, etc., prohibited	42	13	228
notices, etc., not to be painted on sidewalks	42	13	228
indecent posters, etc., forbidden, penalty	42	14	228
BOARD OF APPEAL			
appointment of	5	15	40
duties and powers of	5	16	40
to allow methods of construction different from that required by the ordinance	5	17	41
to make annual report	5	17	41
to vary application of zoning ordinance	55	14	287
BOARD OF CONTROL			
organization of	25	1	172
to receive no compensation	25	1	172
duties of	25	1	172
badge to be furnished to hawkers and peddlers	20	4	153
BOARD OF HEALTH			
appointment of	22	1	157
tenure of office, removals and vacancies	22	1	157
compensation of members of	14	1	109
organization of	22	2	157
may appoint subordinate officers and fix compensation	22	2	157
may make rules and regulations	22	2	157
meetings and records	22	2	157
general powers and duties	22	3	158
shall receive assistance from certain city officers	22	4	158
to make annual report	22	5	158
to make contracts for removal of house offal	22	6	158
may remove persons ill of contagious diseases	22	7	159
may cause tenements to be vacated	22	7	159
may require buildings to be connected with sewers; penalty	22	8	159
privy vaults not to be located without permission of	22	9	159
may forbid continuance of privy vaults	22	9	159
may require building to be provided with a drain, cesspool or vault	22	10	160
no privy or water-closet to be connected with sewer, except under direction of	22	10	160
proceedings where suitable drain, etc., is not constructed	22	11	160

BOARD OF HEALTH, continued	CHAP.	SEC.	PAGE
regulations for constructing vaults, etc., and keeping same in order	22	12	161
may require vaults, etc., to be cleaned	22	12	161
vaults to be cleaned under regulations of	22	13	161
may require occupants of unfit dwelling place to quit, etc., penalty	22	14	161
no person to throw refuse matter into street or water without permit of	22	15	162
inspector or clerk may notify persons to remove rubbish, etc.	22	16	162
may require removal of offensive matter, rubbish, etc.	22	18	163
no person to land damaged hides, fruits, etc., without permit of	22	19	163
no person to keep cows without permit of	22	20	163
may enforce vaccinations, penalty, free vaccination	22	21	164
vaccination, duties of city physician under control of	11	3	101
may forbid ringing of bells in case of illness	22	22	164
clerk and inspector to cause prosecution of persons violating sanitary regulations	22	23	164
may cause immediate removal of nuisances in certain cases	22	23	164
no person to erect or use stable without license from; penalty	22	24	165
may grant and revoke permits for keeping swine; penalty	22	27,28	165
to permit transportation of house offal	22	29	166
impure ice, sale of, prohibited	22	30	166
to license undertakers	6	1	83
to issue permits for burials	6	2	83
may make regulations concerning burial grounds and interments	6	6	85
may close any tomb or burial place	6	6	85
to sign certificate stating that body, dying of contagious-disease, has been properly prepared for transportation	6	7	85
appointment of inspector of animals of, by	10	8	97
appointment of inspector of provisions of, by	10	9	97
city physician to render services incumbent on physician appointed by board	11	2	101
may require city physician to give advice, etc.	11	4	102
claims for damages by abatements of nuisances, investigation of	13	1	106
may consent to conveyance of body of child under twelve years of age in a hackney carriage	19	7	149
to appoint inspectors of plumbing	30	2	187
to fix compensation of inspector	30	2	187
may make rules and regulations concerning plumbing and house drainage	30	2	187

	CHAP.	SEC.	PAGE
BOARD OF HEALTH, continued			
to grant permits for plumbing work	30	3	188
to approve plans for drainage of stables, garages, etc.	30	10	191
to determine the number of water-closets in certain buildings	30	14	193
may change plumbing work already constructed, so as to be satisfactory to	30	19	194
pipes and fixtures not to be covered until approved	30	13	193
BOARD OF UNDERGROUND WIRE COMMISSIONERS			
organization of	16	25	129
duties of	16	25	129
powers of	16	25	129
BOUND STONES			
to be erected at termini and angle of streets	41	5	222
BOUNDS			
of wards, defined	48	1	249
of streets before erection of building	5	96	74
BOWLING ALLEY, see Pool, Billiard and Bowling Alley Licenses			
BOXES			
not to be placed on sidewalks	42	28	231
BRINE OR PICKLE			
not to be used on street railway tracks except	42	32	232
not to be deposited in street	42	33	232
not to be discharged from vehicles into street	42	33	232
BRIDGES			
building ordinance not to apply to construction of bridges	5	20	41
BUILDERS			
defined	5	22	43
licensed to	5	13	39
may be required to furnish inspectors	5	14	39
BUILDINGS			
inspection and construction regulated	5	1	36
permit required for erection, construction and repair and alteration	5	3	37
application for permit to be accompanied by plans and specifications	5	4	37
plans to be kept on premises, and open to inspection	5	5	37
what plans must show	5	6	37
may be separate permits for heating, plumbing, and electrical work	5	6	37
work to be in accordance with plan	5	7	37
inspector may stop or remove work done without a permit or not in conformity with permit	5	7	37
a permit, a license	5	8	38

BUILDINGS, continued	CHAP.	SEC.	PAGE
revocation of permit	5	8	38
plans to be made by competent person	5	9	38
superintendent of public property to be inspector of buildings	5	2	36
duties of inspector	5	2	36
to keep record and make annual report	5	2	36
to inspect unsafe and dangerous buildings	5	11	38
inspection of churches, halls, factories, etc., and to report to state inspector if means of egress are insufficient	5	10	38
duties of inspector when public may be in danger on account of combustible material or obstructions in passage-ways, etc.,	5	11	38
outer doors of certain buildings to be kept open, when	5	12	39
inner doors of certain buildings to open outward	5	12	39
city council to license builders	5	13	39
license fee of builders	5	13	39
no building to be erected, except by licensed builder	5	14	39
builder to furnish foremen, and may be required to furnish inspector	5	14	39
may appeal from decision of inspector to board of appeal	5	16	40
applications of other laws and regulations to building	6	16	40
certain buildings exempt	5	19	41
strength and stability of structure, how determined	5	18	41
fire limits established	5	21	42
definitions of certain terms	5	22	42
buildings to conform to their particular class	5	23	47
first class building defined	5	24	47
second class building defined	5	24	47
mill frame building defined	5	24	47
ordinary frame building defined	5	24	48
third class building defined	5	25	48
fourth class building defined	5	26	49
fifth class building defined	5	27	49
sixth class building defined	5	28	49
miscellaneous class defined	5	29	50
stables, construction of	5	30	50
no dwelling or stable to be nearer than five feet to dividing line, nor nearer than ten feet to another building on same lot, unless walls of brick, etc.	5	31	50
dwelling not to cover more than seventy-five per cent of lot, nor ninety per cent of corner lot	5	31	50
height of dwellings regulated	5	32	51
bay window defined	5	22	42
manufacturing, storage and mill buildings, construction of	5	28	49

BUILDINGS, continued	CHAP.	SEC.	PAGE
certain openings to be fitted with metal or metal-covered doors, etc.	5	84	69
area of lot, in reference to open spaces fixed	5	31	50
roof covering	5	88	72
roof, repair work on	5	88	72
dormer windows	5	90	72
finish of doors and windows	5	92	72
roofs of piazza	5	92	72
construction of fire doors in party walls	5	55	61
leading or bonded courses required in brick walls	5	49	58
mortar	5	48	57
additional requirements may be presented by city council	5	104	76
wooden buildings in fire limits, erection and alteration of	5	99	75
area of dwelling	5	84	69
foundation of dwellings	5	46,47	56,57
protection from hot air pipes	5	72	65
construction of flues, ranges and boilers	5	69	65
ash receptacles	5	70	65
city council to be notified if building is within ten feet of street line	5	96	74
inspector to have notice of location of heating apparatus	5	71	65
building not to project over street line; penalty	5	98	74
certain buildings to have leaders	5	93	73
leaders not to discharge on sidewalks	5	93	73
snow guards	5	94	73
duties of inspector of buildings	5	2	36
superintendent of streets may grant permits to occupy streets for buildings purposes	5	105	77
rubbish not to be deposited in street by builders	5	105	77
fence to be erected and lanterns placed	5	106	77
when use of street is permitted	5	105	77
penalty for extinguishing lanterns	5	107	78
builder occupying street to provide safe passage for public, liable for failure to do so	5	108	78
licenses required for furnaces melting iron or making glass and stationary steam boilers	5	101	75
construction of buildings used for picking, etc., rags	5	103	76
new portions on frame buildings to comply with ordinace	5	99	75
building damaged by fire; when may be rebuilt	5	100	75
ordinance not to apply to certain buildings	5	19	41
general penalty for violation of building ordinance	5	109	78
excavation, adjacent owner to be notified of	5	41	54
sustaining power of soil	5	42	54
materials for foundation	5	43	55

BUILDINGS, continued	CHAP.	SEC.	PAGE
rear yard required for dwelling	5	33	51
spaces between dwellings on same lot	5	33	51
minimum size of rear or side yards	5	35	52
courts in dwelling, sizes of	5	36	52
window area in dwellings	5	37	53
window area in common hallways	5	38	53
skylights over stair-wells in dwellings	5	38	53
sizes of rooms in dwellings	5	39	54
metal in foundation to be protected	5	45	56
depth of foundation	5	45	56
fire stops, between floor beams and between stair-stringers	5	81	67
fire stops, around pipes, shafts and chimneys	5	81	67
vertical shafts to be fire resisting	5	82	68
openings in vertical shafts	5	82	68
heating apparatus to be protected against spread of fire	5	83	68
chimneys, construction of	5	66	63
smoke pipe or flue not to project through external wall or window	5	69	65
hearths and grates, size and construction of	5	66	63
funnel and receivers to be built into chimney	5	67	64
dangerous chimney, flue or heating apparatus to be made safe	5	67	64
no chimney or heating apparatus to be erected or altered without notice to inspector	5	68	64
dwellings to have damp proof cellars	5	46	56
roofs, no wooden construction on except	5	89	72
dormer windows	5	90	72
walls and ceilings in fifth class buildings to be protected	5	79	66
sprinklers, in certain buildings	5	65	63
egress in manufacturing, storage and mill buildings	5	75	66
egress in different class buildings	5	73	65
stairways in third class buildings, to be fire stopped	5	74	65
plastering in staircase halls	5	74	65
construction of shafts	5	82	68
certain windows and doors to have metal or metal-covered frames and wire glass	5	77	66
skylight frames to be of metal	5	91	72
strength of material, how determined	5	85	69
foundation walls for wooden buildings	5	46	56
foundation walls for brick buildings	5	47	57
dry walls, when allowed	5	48	57
minimum thickness of brick or concrete	5	50	58
minimum thickness of dividing walls in warehouse class	5	53	60
thickness of party walls in non-fireproof buildings	5	53	60

BUILDINGS, continued	CHAP.	SEC.	PAGE
no wooden supports for walls	5	64	63
side, end or party wall not to project beyond rear wall	5	62	62
size and foundation of lintels	5	63	63
no wooden lintels allowed	5	64	63
walls to be anchored	5	54	60
construction of anchors	5	54	60
height of party walls	5	54	60
doorways in party walls	5	55	61
vertical recesses in party walls	5	56	61
piers, construction and size of	5	57	61
columns, base of and size	5	57	61
timbers entering party walls	5	62	62
height of stories for thickness of walls	5	52	60
walls and buildings over sixty feet deep	5	58	62
thickness of walls for certain spans	5	59	62
thicker walls if excess of openings	5	60	62
maximum floor areas	5	84	69
amendment, two and one-half story dwellings	—	—	79-82
BUILDINGS, CITY			
erection and maintenance of	34	2	201
plans for erection and alterations, to be approved	34	2	201
contracts for erection or repairs of	34	2	201
CELLAR			
defined	5	22	43
CHARTER, see City Charter			
CHIMNEYS, see Buildings			
CHURCHES, see Buildings			
inspection of	5	10	38
no stable within two hundred feet unless	22	25	165
CITIZENS			
of Salem, preferred for employment	13	1	106
CITY AUDITOR			
appointment of	17	1	130
compensation of	14	1	109
tenure of office	17	1	130
duties in reference to bills and accounts	17	3	130
to draw warrant for amount of bills	17	3	130
to enter correct and approved bills	17	3	130
to return bills in excess of appropriation	17	3	130
to see that bill and accounts are correct	17	3	130
accounts, how kept by	17	6	131
appropriation exhausted, notice to head of department	17	6	131
monthly statements to be furnished to city council	17	6	131

CITY AUDITOR, continued	CHAP.	SEC.	PAGE
vacancy in office, then city clerk to countersign warrants	17	7	132
annual report to be made by	17	8	132
office hours of	17	8	132
orders drawn by mayor on treasurer to be signed by	17	9	133
to give notice of presentment and payment of accounts in December	17	8	132
notes, bonds, etc., to be signed	17	8	132
CITY CHARTER			
acting mayor, duties of	—	—	10
approval and veto of ordinances, etc., by mayor	—	—	18
ballots, contents of, initiative election	—	—	16
certain officials to be sworn	—	—	6
certain officials to carry out the provisions of	—	—	6
city clerk, election of, tenure and duties	—	—	7
city council, number and term of	—	—	19
city contracts, certain officials not to be interested in	—	—	10
city council, manner of election	—	—	19
city may adopt one plan of government	—	—	2
civil service rules not to apply to certain employees	—	—	10
city solicitor, appointment of	—	—	20
contracts, splitting of, to evade statute, prohibited	—	—	12
certain contracts to be approved by mayor	—	—	12
definition of certain terms therein	—	—	1
emergency measure, passage of	—	—	15
election upon initiative petition	—	—	16
departments may be reorganized, abolished, etc., by city council	—	—	2
existing organization to continue	—	—	2
fiscal year to continue as constituted upon adoption of	—	—	2
heads of departments, manner of appointment	—	—	2
initiative petition, action on	—	—	15
initiative petition, application of	—	—	15
initiative petition, form, signatures, etc.	—	—	15
initiative petition proceedings if petition not fully signed	—	—	16
legislative powers of city council, manner of exercising	—	—	7
legislative powers not to be abridged	—	—	2
manner of voting on other plans, when one plan has been rejected	—	—	5
majority vote required for adoption	—	—	5
mayor, election and term of	—	—	19
mayor to furnish information to city council	—	—	8
meetings of city council	—	—	7

CITY CHARTER, continued	CHAP.	SEC.	PAGE
measures with conflicting provisions, one receiving greater vote to be effective	—	—	18
municipal year, period of	—	—	6
no land to be acquired until appropriation therefor	—	—	12
no primaries or caucuses to be held	—	—	6
obligations, bonds, actions, etc., to continue on adoption of charter	—	—	9
one plan only may be submitted at election	—	—	5
ordinances, resolutions, etc., not to be effected by adoption of	—	—	2
ordinance not to be finally passed on day it is introduced, except emergency ordinance	—	—	8
ordinance, amendment or repeal of	—	—	2
ordinances to be published	—	—	9
ordinance, etc., may be passed at one session	—	—	8
organization of city government	—	—	2
petition to adopt charter to be filed with city clerk	—	—	3
petition, form of, for adopting charter	—	—	3
petition calling for vote on adoption of charter to be submitted to city council	—	—	3
plan adopted to continue for at least four years	—	—	6
proposals to be advertised for certain contracts	—	—	11
referendum petition	—	—	16
removal of heads of departments, manner of	—	—	2
salary of mayor	—	—	20
salary of councillors	—	—	20
school committee, powers and duties	—	—	13
school committee to appoint janitors and fix their compensation	—	—	13
school committee, no member of, to be salaried city official except mayor	—	—	13
school committee, number, term, etc.	—	—	13
school committee, meetings of	—	—	14
site for schools to be approved by school committee	—	—	14
taking or purchase of land by city council	—	—	12
vacancy in school committee, how filled	—	—	14
tenure of office of officials at time of adoption	—	—	6
wards, same number to continue upon adoption of	—	—	3
when land must be taken rather than purchased	—	—	12
CITY CLERK			
election of	7	1	88
compensation	14	1	109
tenure of office	7	1	88
duties of	7	4	88

CITY CLERK, continued	CHAP.	SEC.	PAGE
may cause papers to be copied and indexed	7	7	89
to act as clerk of city council	7	4	88
to have care of city records, documents, etc.	7	6	89
records and documents not to be removed from office	7	6	89
to be member of board of registrars of voters	10	2	95
to cause reports to be prepared for printing	32	1	199
to send notice of accidents to certain officials	13	6	107
to be custodian of city seal	36	2	205
to furnish city collector with list of sewer assessments	37	7	207
to keep record of accepted streets	41	2	220
to notify owners to remove trees, etc., in proposed street	41	8	222
duties when vacancy in office of city auditor	17	7	132
bonds of building mover to be filed with	4	5	35
certificates of death to be registered with	6	2	83
not to present application for permit until advertising cost is paid	1	16	26
to issue licenses	1	13	25
money received from fees to be paid treasurer	7	3	130
to appoint assistant city clerk	7	2	130
duties of assistant city clerk	7	5	131
office hours of	7	8	132
to furnish a bond	7	9	133
city clerk pro tempore, appointment and tenure	7	1	130
CITY COLLECTOR			
all accounts to be collected by	17	23	137
annual report, to be made by	17	28	139
appointment of	17	21	136
assessments for sewers and sidewalks to be collected by	17	25	138
assistants to be appointed by	17	22	137
bond, to be furnished by	17	27	139
compensation of	14	1	109
monthly statements to be sent auditor	17	22	137
office hours of	17	29	139
taxes, manner of collection by	17	26	138
to collect sewer assessments	37	7	207
tenure of office	17	21	136
to issue summons on poll taxes	2	11	29
to issue summons on real and personal property	2	13	29
to pay treasurer daily for all money received	17	24	138
water rates to be collected by	17	23	137
CITY COUNCIL			
city clerk, election of, by	7	1	7,130
departments may be reorganized, abolished or consolidated by	—	—	2

CITY COUNCIL, continued	CHAP.	SEC.	PAGE
each member entitled to a vote	—	—	7
election of	—	—	19
initiative petition, action on	—	—	15
land may be taken or purchased by	—	—	12
legislative powers, manner of exercising by	—	—	7
legislative powers of city vested in	—	—	2,7
majority of, to constitute quorum	—	—	7
may be addressed by mayor	—	—	8
meetings of, to be fixed by ordinance	—	—	7
meetings of, to be open to public	—	—	7
passage over veto by mayor	—	—	18
questions may be submitted to voters by	—	—	17
records of meetings to be open to public	—	—	7
removals of heads of departments to be approved by	—	—	20
rules and procedure of	—	—	297
salary of, how determined	—	—	20
term of office	—	—	19
to confirm appointments of heads of departments by mayor	—	—	20
vacancy in office of councillor, how filled	—	—	10
vacancy in school committee, how filled	—	—	14
to grant licenses	1	13	25
to establish rates of fare	1	12	25
to establish fees of licenses	1	12	25
to confirm appointment of assessors	2	1	27
to confirm appointment of assistant superintendent of Congress Street bridge	3	1	31
to confirm appointment of superintendent of Congress Street bridge	3	1	31
to grant permits for moving buildings	4	1	34
to approve appointment of deputy inspector of buildings	5	2	36
to issue licenses to builders	5	13	39
to confirm appointment of members of board of appeal	5	15	40
to consent to removal of wooden buildings into or in fire limits	5	97	74
to issue licenses for certain stationary steam engines	5	101	75
to issue licenses for furnaces for melting iron or making glass	5	101	75
may prescribe additional building requirements	5	104	76
to appoint city clerk pro tempore	7	1	88
to elect city clerk	7	1	88
to approve bond of city clerk	7	9	89
to confirm appointment of city engineer	8	1	90
to approve appointment of superintendent of water works	8	1	90
to determine cost to abutters of street sprinkling	8	6	91

CITY COUNCIL, continued	CHAP.	SEC.	PAGE
to approve appointment of superintendent of streets	8	1	90
to confirm appointment of city messenger	9	1	93
consent of, required for use of council chamber	9	5	94
to confirm appointment of purchasing agent	10	1	95
to approve appointment of registrar of voters	10	2	95
to appoint clerk of committees	10	4	96
to act on nomination of election officers	10	3	96
to elect field drivers and pound keepers	10	6	97
to elect fence viewers	10	6	97
to confirm appointment of constable at Peabody Museum	10	10	98
may require city officers to appear before it	10	15	99
ineligible for other salaried municipal office	10	13	98
may require certain officers to furnish bond	10	17	99
to examine at least annually bonds of certain officers	10	17	99
bonds of officials to be satisfactory to	10	17	99
may request city solicitor to appear before General Court	12	3	104
to settle and adjust claims	13	1	106
no member of, to act as attorney against city	13	3	107
to consent to contract for more than a year	15	9	117
may direct purchase of materials and supplies for more than one department	15	12	117
to specify on plan where poles are to be located	16	1	119
has authority to permit erection, etc., of poles	16	1	119
to approve appointment of city electrician	16	2	120
to authorize construction of conduits	16	16, 17	126
to grant permit to disturb surface of street to lay wires, etc.	16	18	126
conduits not to be removed without consent of	16	22	127
to confirm appointment of city auditor	17	1	130
city treasurer, to confirm appointment by	17	11	134
city collector, appointment of, to be approved by	17	21	136
may reduce or reject any item in budget	17	30	139
transfers of unexpended balances by	17	30	139
to confirm appointment of chief of fire department	18	2	141
to approve rules of fire department	18	3	141
fire lines may be entered by	18	12	145
to license hackney carriages	19	1	148
to establish fares and regulations for hackney carriages	19	8	149
hackney carriages, if driver is under eighteen years, a special permit is required	19	5	149
license of hawkers and pedlers, revocation of	20	2	153
hawkers and pedlers, to grant licenses to	20	1	153
to confirm appointment of superintendent of hay scales	21	1	155
to confirm appointment of members of board of health	22	1	157

CITY COUNCIL, continued	CHAP.	SEC.	PAGE
junk collectors to be licensed by	23	1	167
junk dealers to be licensed by	24	1	169
to confirm appointment of park commissioner	26	1	175
pawnbrokers, to be licensed by	27	1	177
city marshal, appointment of, to confirm	28	2	180
to grant pool, billiard and bowling alley licenses	29	1	185
board of health, appointment of, to be confirmed by	22	1	157
inspector of plumbing, to approve compensation of	30	2	187
overseers of poor, appointment of, to be approved by	31	1	196
to approve regulations for city home	31	4	197
printing of city documents by	32	1	199
public guides to be licensed by	33	1	200
to confirm appointment of superintendent of public property	34	1	201
planning board, appointment to, to be confirmed by	35	2	203
sewer and drains, may lay, make and maintain	37	1	206
may exempt sewer assessment on portion of second street of corner lots	37	5	207
sewer assessments to be assessed, etc., by	37	2,4	206,207
to license drain layers	37	13	211
superintendent of shade trees, appointment of, to be confirmed by	38	1	213
sidewalks, grade and construction of, may be determined by	39	4	216
may authorize setting of edgestones	39	4	216
to confirm appointment of clerk of military aid	40	2	218
numbering of houses on streets, by	41	3	220
trust commissioners, appointment of, to be confirmed by	46	1	247
water, regulations for care of, established by	48	7	254
water shut off third time, not to be turned on, except by vote of	48	8	257
water-closets may be constructed under regulations of	48	10	258
CITY ELECTRICIAN			
compensation of	14	1	109
appointment of	16	2	120
designated as inspector of wires	16	3	120
rights and duties of	16	3	120
tenure of office of	16	2	120
to see that poles are located and wires attached according to plan	16	1	119
to have charge of lighting in streets, etc.	16	2	120
poles to be satisfactory to	16	4	121
to inspect condition of all posts	16	6	121
to see that rules and regulations of national electrical code are complied with	16	3	120

CITY ELECTRICIAN, continued
to see that all laws and ordinances relating to wires are enforced 16 3 120
to inspect wires and see that same have proper tags and marks 16 8 122
to examine applications for placing poles and wires in streets 16 6 121
to have charge of wires and apparatus belonging to the city 16 7 122
to keep electrical property of city in good order 16 7 122
to order of purchasing agent, apparatus, materials, etc. 16 7 122
to make maps and records showing location of wires, etc. 16 8 122
to notify owners of wires on certain occasions 16 8 122
to remove certain wires upon failure of owners to do so 16 8 122
to inspect wires, etc., before same are covered 16 11 124
to grant permit for wireless apparatus 16 14 125
to issue certificate of inspection upon approval of work 16 12 125
to make inspection of interior wiring before same is covered 16 11 124
certain wires to be maintained to satisfaction of 16 11 124
to turn off circuit if conductors or apparatus are in an unsafe condition 16 15 125
to have access to certain wires, etc. 16 23 127
to be a member of board of underground wire commissioners 16 25 129
to be notified of affixing or changing wires in buildings 16 12 124
CITY EMPLOYEES
to report knowledge of certain accidents 13 5 107
CITY ENGINEER
to file report of accidents with city clerk 13 7 108
appointment of 8 1 90
compensation of 14 1 109
general duties of 8 3 90
tenure of office 8 1 90
to appoint superintendent of water works 8 1 90
to appoint superintendent of streets 8 1 90
to be head of public works department 8 3 90
to have charge of plans 8 2 90
duties not to conflict with other officers 8 5 91
to have supervision of sprinkling of streets 8 6 91
to make plans of proposed streets 8 3 90
to make annual report 8 7 92
planning board, to aid 35 4 203
plans of sewers to be made and kept by 37 9 209
appointment of superintendent of streets by 44 1 243
appointment of superintendent of water works by 48 2 252
clerk of water department to be appointed by 48 3 252
water department under charge of 48 1 252
to have charge of plans of streets, sewers, etc. 37 9 209

	CHAP.	SEC.	PAGE
CITY FLAG, see Municipal Standard			
CITY HALL			
care and custody of	9	3	93
council chamber not to be used except with consent of council	9	5	94
appointment and duties of janitor	9	4	93
compensation of janitor	14	1	110
CITY HOME, see Superintendent of City Home, Clerk for Care of Poor, also Poor Department			
superintendent of, appointment of	31	3	196
rules and regulations of	31	4	197
records of	31	5	197
assistants at, appointment of	31	6	197
clerk of city home, appointment and duties of	31	7, 8	197
bills on account of	31	8	197
CITY MARSHAL			
appointment and removal of	28	2	180
compensation of	14	1	111
accidents to be reported to	13	4	107
to cause investigation of accidents	13	4	107
to keep record of accidents	13	4	107
to assign stands for hackney carriages	19	6	149
to carry out orders of board of health	22	4	158
may inspect premises and books of pawnbrokers	27	5	178
to be member of board of control	25	1	172
to appoint, etc., subordinates with approval of mayor	28	3	180
to be head of police department	28	4	181
to keep records of arrests	28	4	181
to keep description of persons arrested	28	4	181
may establish rules and regulations	28	4	181
to report defects in streets	28	4	181
to have charge of property of police department	28	4	181
to have charge of police station	28	4	181
to recommend sick benefits for members	28	7	183
to assign members of reserve force to duty	28	10	184
to turn over to treasurer, money collected for city	28	9	184
CITY MESSENGER			
appointment of	9	1	93
duties of	9	2	93
to appoint a janitor	9	4	93
to have care and distribution of city documents	9	3	93
to have care of the city hall	9	3	93
tenure of	9	1	93
compensation	14	1	109
to be custodian of municipal standard	54	5	275

	CHAP.	SEC.	PAGE
CITY OFFICERS			
compensation of, when payable	10	16	99
not to assign compensation or wages	10	16	99
tenure of offices	10	12	98
to appear before city council	10	15	99
to furnish information to city council	10	15	99
to furnish bond	10	17	99
CITY PHYSICIAN			
appointment and removal of	11	1	101
tenure of office	11	1	101
to attend sick paupers and patients under care of city	11	2	101
vaccinations under supervision of board of health	11	3	101
to render services at police station	11	4	102
to examine cases of accidental injury where city is involved	11	4	102
to examine applicants for pensions	11	4	102
to furnish certificate of cause of death in certain cases	11	4	102
to advise and aid certain officials	11	4	102
to examine applicants for military aid	11	4	102
to render aid to city solicitor in suits	11	4	102
to keep records and to make annual report	11	5	102
compensation of	14	1	109
to furnish itemized bill for special services	11	7	103
to aid board of health	22	4	158
CITY PROPERTY, see Public Property			
CITY SEAL			
custodian of	36	2	205
design of	36	1	205
to be affixed to deed, leases, etc.	36	2	205
penalty for unlawful use of	36	3	205
CITY SOLICITOR			
appointment of, and removal of	12	1	104
compensation of	14	1	109
to draft legal instruments required by the city	12	2	104
to prosecute and defend suits	12	3	104
manner of settling suits against city	12	3	104
to examine all claims	12	3	104
to approve settlement of claims	12	3	104
to give opinions	12	3	104
to make annual report	12	4	105
to approve settlements by committee on claims	13	1	106
to aid board of health	22	4	158
to advise and assist board of health	22	4	158
to determine compensation of city physician for court attendance	11	6	102

	CHAP.	SEC.	PAGE
CITY SOLICITOR continued			
to appear before the General Court	12	3	104
to pass on agreement and bond of company constructing conduits	16	23	127
CITY TREASURER			
accounts, manner of keeping	17	16	135
assistants to be appointed by	17	11	134
appointment of	17	11	134
bonds, notes, etc., to be signed by	17	12	135
bond, to be furnished	17	17	135
compensation of	14	1	109
drafts, payment by	17	13	135
drafts or orders on, to be signed by mayor and auditor	17	8,10	132,134
interest on notes and bonds to be paid by	17	10	134
interest and principal on bonds and notes, payable by	17	10	134
to receive fees for weighing at city scales	21	5	156
interest on deposits to be secured by	17	15	135
sewer assessments to be paid to, before permit is issued	37	11	210
may receive funds for burial lot	6	10	86
fines and penalties recovered to be paid to	1	8	25
monthly statement to be given city auditor	17	16	135
negotiations of loans by	17	12	135
bond of city clerk to be filed with	10	17	99
no money to be paid out by city on order of mayor, except	17	16	135
notes, bonds, etc., to be signed by	17	8	132
office hours of	17	20	136
tenure of office	17	11	134
not to be park commissioner	26	1	175
to have custody of city funds, etc.	17	12	135
to notify city officer that assignment is contrary to ordinance	10	16	99
to receive from county treasurer sums from dog licenses	17	14	135
to receive fees for digging graves	6	11	87
to receive proceeds from sale of lots of Greenlawn cemetery	6	14	87
annual report of	17	19	136
vacancy in office, auditor to perform certain duties	17	18	136
CIVIL SERVICE RULES			
application to ordinances	1	15	26
certain employees exempt from	—	—	10
CLAIMS AND ACCIDENTS			
suits may be settled with approval of certain officials	12	3	104
to be examined and approved by city solicitor	12	3	104
settlement of, to be approved by mayor	13	1	106
claims to be investigated by committee on claims	13	1	106

CLAIMS AND ACCIDENTS continued	CHAP.	SEC.	PAGE
officers knowing facts to report to city clerk	13	2	106
settlement not approved by city solicitor to be referred to city council by committee	13	1	106
settlements by committee subject to approval of city solicitor	13	1	106
city marshal to cause investigation	13	4	107
city marshal to keep record of all accidents	13	4	107
city employees to report knowledge of certain accidents	13	5	107
no member of city council to act as attorney against city	13	3	107
police officers to report facts concerning accidents	13	4	107
to send copy of written notice of accident to city marshal	13	4	107
city clerk to furnish city solicitor with copy of accident report	13	7	108
city marshal to file report thereon with city clerk	13	7	108
city engineer to file report thereon with city clerk	13	7	108
maximum award of settlement by committee	13	1	106
settlement and adjustment of claims by city council	13	1	106
CLERK OF BOARD OF HEALTH, see Board of Health			
CLERK OF POOR DEPARTMENT			
appointment of	31	7	197
duties of	31	8	197
tenure of	31	7	197
to make out bills due city on account of city home	31	8	197
to keep record of assistance given to non-residents	31	8	197
to keep accurate account of receipts and expeditures	31	8	197
to make annual report	31	8	197
to keep record of assistance given by other places with those having a settlement in this city	31	8	197
to supervise applications for relief	31	8	197
compensation of	14	1	110
CLERK OF CITY, see City Clerk			
CLERK OF COMMITTEES			
appointment of	10	4	96
compensation of	14	1	110
duties of	10	4	96
tenure of	10	4	96
CLERK OF STATE AND MILITARY AID AND SOLDIERS' RELIEF			
appointment of	40	2	218
duties of	40	2	218
compensation of	14	1	110
office hours	40	3	218
CLERK OF WATER DEPARTMENT			
appointment of	48	3	252
tenure of office of and removal	48	3	252

CLERK OF WATER DEPARTMENT, continued	CHAP.	SEC.	PAGE
compensation of	14	1	110
duties of	48	5	253
to cause inspection of premises of water takers	48	5	253
to make out bills for water rates and other bills and deliver same to city collector	48	5	253
to certify abatements and refunds to city collector	48	5	253
to report monthly to city auditor amount of bills delivered city collector, etc.	48	5	253
to make annual report	48	5	253
to keep records showing names of water-takers, etc.	48	5	253
records to be open to inspection	48	5	253
to perform services required by city engineer	48	5	253
to cause water to be shut off from premises of violators of regulations	48	7	255
to grant permits to alter, etc., pipes	48	7	256
may enter premises of water takers	48	7	256
to grant permits to let in water into service pipe	48	7	256
persons requesting pipes to be thawed to deposit two dollars with	48	7	256
to charge water rates to owners, except	48	7	256
plumbers to obtain permits before altering pipes	48	7	256
water to be shut off on account of waste	48	8	257
no water to be turned on or off into public pipe, except by consent of	48	7	256
to cause supply to be shut off for non-payment	48	15	264
police officers to report leaks and waste to	48	21	265
to assess water rates	48	17	264
to make abatements	48	20	265
COAL			
to be obtained for the city by purchasing agent	15	13	118
to be weighed by sworn weigher	15	13	118
weighers, to be appointed by the mayor	10	7	97
COAL HOLES			
under streets or sidewalks prohibited, without permit	42	8	226
not to be left open	42	8	226
COASTING			
in street forbidden, except in places designated	42	4	225
COLLECTOR OF TAXES, see City Collector; also Taxes			
COMMITTEE ON FINANCE			
negotiation of loan by city treasurer to be approved by	17	12	135
COMMON HALLWAY			
defined	5	22	44

COMPENSATION	CHAP.	SEC.	PAGE
not to be paid until due	10	16	99
superintendent of city home	14	1	109
superintendent of hay scales	14	1	109
superintendent of park department	14	1	109
superintendent of moth suppression	14	1	109
superintendent of Congress Street bridge	14	1	109
assistant superintendent of Congress Street bridge	14	1	109
board of health, members of	14	1	109
sealer of weights and measures	14	1	110
assessors	14	1	111
assistant assessors	14	1	111
fire department			
chief	14	1	111
deputy chief	14	1	111
captains	14	1	111
lieutenants	14	1	111
supervisor of motor apparatus	14	1	111
mechanician	14	1	111
privates	14	1	111
substitute call members	18	8	144
police department			
city marshal	14	1	111
captains	14	1	111
lieutenants	14	1	111
sergeant	14	1	111
patrolmen	14	1	111
reserve officers	14	1	111
keepers of the lock-up	14	1	111
chauffeurs	14	1	111
janitor	14	1	111
matron	14	1	111
registrars of voters	14	1	110
assistant registrars of voters	14	1	110
secretary to the mayor	14	1	110
janitor at city hall	14	1	110
clerk of water department	14	1	110
inspector of animals	14	1	110
election officers	14	1	110
clerk of poor department	14	1	110
clerk of registrars of voters	14	1	110
clerk of committees	14	1	110
clerk of military aid	14	1	110
public property department			

COMPENSATION, continued	CHAP.	SEC.	PAGE
general foreman	14	1	111
florist	14	1	111
caretaker at comfort station	14	1	111
park, moth and shade tree departments			
working foreman	14	1	111
climbers	14	1	111
sewerage pumping station			
chief operators	14	1	111
other operators	14	1	111
water works pumping station			
engineer	14	1	112
assistant engineer	14	1	112
fireman engineer	14	1	112
license commissioners	14	1	111
assistant city clerk	14	1	110
constable at Essex Institute	14	1	112
constable at Peabody Museum	14	1	112
street department			
general foreman	14	1	112
working foreman	14	1	112
foreman setting edgestones	14	1	112
foreman of paving	14	1	112
foreman of tar work	14	1	112
foreman laying granolithic work	14	1	112
foreman at stone crusher	14	1	112
steam drill operator	14	1	112
blacksmith	14	1	112
truck driver	14	1	112
time keeper	14	1	112
road builders	14	1	112
ash men	14	1	112
water department			
general foreman	14	1	112
working foreman	14	1	112
caulkers	14	1	112
inspectors	14	1	112
caretaker at Wenham Lake and reservoir	14	1	112
clerks in office of city clerk	14	1	110
clerks in office of city collector	14	1	110
clerks in office of city treasurer	14	1	110
clerks in office of water department	14	1	110
clerks in office of assessors	14	1	110
other clerks	14	1	110

	CHAP.	SEC.	PAGE
COMPENSATION, continued			
laborers	14	1	112
mayor	51	1	269
CONGRESS STREET BRIDGE			
appointment of superintendent	3	1	31
appointment of assistant superintendent	3	1	31
assistant superintendent, tenure of office	3	1	31
duties of assistant superintendent	3	2	31
duties of superintendent	3	2	31
snow and ice to be removed from sidewalks	3	2	31
superintendent, tenure of office	3	1	31
owners of vessels liable for injury to bridge	3	5	32
opening of draw	3	3	31
superintendent to make annual report	3	7	32
superintendent to remove vessels obstructing draw	3	6	32
copy of ordinance to be posted near draw	3	8	32
fire department to be notified upon opening and closing of draw	3	9	33
penalty for injuring or defacing	3	10	33
CONSTABLES			
appointment of	10	11	98
duties of	10	11	98
to file a bond	10	11	98
CONSTABLE AT PEABODY MUSEUM			
appointment of	10	10	98
compensation of	14	1	112
duties of	10	10	98
CONTRACTS AND LABOR			
contracts to be drafted by city solicitor	12	2	104
a working day for laborers	15	1	113
citizens of Salem to be given preference	15	1	113
half-holidays for laborers	15	1	113
non-residents not to be employed, except	15	1	113
officers to furnish specifications for purchasing agent	15	2	113
proposals for materials and supplies to be advertised	15	2,3	113,114
certain contracts to be awarded by competition	15	2	113
certain contracts to be executed in writing	15	4	114
contracts to be signed by mayor	15	4	114
manner of alteration of	15	4	114
manner of publishing advertisements for work	15	2	113
certain contracts to be accompanied by bond	15	4	114
contracts to be filed with the city clerk	15	4	114
final payment under contract to release city	15	5	115
payments for alterations under contracts, when to be made	15	5	115

CONTRACTS AND LABOR, continued	CHAP.	SEC.	PAGE
payments for extra work, when due	15	4	114
proposals to be sealed	15	6	115
bids to be preserved by purchasing agent	15	7	116
bids to be open to public inspection	15	7	116
bids to be preserved	15	7	116
contracts to be awarded the lowest bidder	15	7	115
contracts for more than a year to be approved by council	15	9	117
contracts to provide for security for labor and materials	15	10	117
no expenditures to be made or liability incurred in absence of appropriation	15	11	117
appropriation not to be exceeded	15	11	117
materials and supplies may be purchased for more than one department	15	12	117
fuel, purchase of	15	13	118
city officials not to be financially interested in	—	—	10
COURT			
defined	5	22	44
COURT HOUSES, see Buildings			
included within warehouse class and building ordinance	5	22	47
COWS			
not to be kept without permit	22	20	163
not to go at large in streets	42	1	225
CROSSWALKS			
vehicles not to stand on	43	1	237
CURB LEVEL			
defined	5	22	44
DAMAGES			
from laying out, etc., of streets	41	4,4a	221,222
minimum price for purchase of land	—	—	12
not under jurisdiction of committee on claims	13	1	106
DAY'S WORK			
for city employees to be eight hours	15	1	113
DEATHS, see Burial of the Dead			
DEEDS			
record to be kept	34	4	202
to have city seal affixed	36	2	205
DEFINITIONS			
"officer," as used in charter	—	—	1
"ordinance," as used in charter	—	—	1
plan "B," as used in charter	—	—	1
"regular municipal election," as used in charter	—	—	1
"registered voter," as used in charter	—	—	1
certain terms defined in building ordinance	5	22	42

	CHAP.	SEC.	PAGE
DISORDERLY CONDUCT			
forbidden on streets	42	18	229
DOCUMENTS, see Reports			
DOGS			
list of, to be made by assessors	2	5	28
license money due from county to be received by treasurer	17	14	135
DOOR-STEPS			
no person to stand on, annoying, etc., persons	42	3	225
DOORS, see Buildings			
of public buildings, factories, etc., when to be kept open	5	12	39
inner doors in public buildings, factories, etc., to open outward	5	12	39
DRAIN LAYERS			
to be licensed by city council	37	13	211
license fee	37	13	211
to give bond	37	13	211
no opening to be made into main sewer, etc., unless by licensed drain layers	37	12	210
not to open streets between November 15 and April 1	44	7	244
DRAINS, see Health; also Sewers			
DWELLINGS			
classified	5	24	47-50
defined in building ordinance	5	22	43
erection of, in fire limits	5	95	73
repairs of, in fire limits	5	95	73
EDGESTONES, see Sidewalks			
ELECTIONS			
charter to be adopted at	—	—	4
of municipal officers under charter	—	—	5
dates of elections	—	—	6
no primaries or caucuses	—	—	6
of school committee	—	—	13
to fill vacancies in city government	—	—	10
on initiative petition	—	—	16
on referendum petition	—	—	16
vote on conflicting measures	—	—	18
election of mayor	—	—	19
election of councillors	—	—	19
ELECTION OFFICERS			
compensation of	14	1	110
appointment of	10	3	96
tenure of	10	3	96
ELECTRIC WIRES			
application to be accompanied by plan	16	1	119
details of plan to be filed with application	16	1	119

ELECTRIC WIRES, continued	CHAP.	SEC.	PAGE
permit to be subject to right of city to use poles	16	1	119
application for erection and maintenance of, how made	16	1	119
plan and certificate to be filed with city clerk	16	1	119
locating poles and attachments to be under direction of city electrician	16	1	119
rules and regulations of National Electrical Code to be complied with	16	3	120
work of establishing and location of poles to be under direction of city electrician	16	4	121
to have proper tags and marks	16	8	122
owners to be notified if insulation, attachments, etc., are unsafe	16	8	122
owners of an abandoned wire to be notified	16	8	122
wires over streets and buildings to be regulated	16	9	123
wires to be insulated where they enter building	16	9	123
certificate of approval required for replacing of wires in building	16	10	124
wires to be kept safe to satisfaction of city electrician	16	11	124
wires and fixtures to be inspected by city electrician before being enclosed	16	10	124
wires, etc., not to be affixed nor changed in building without notifying city electrician	16	11	124
interior wiring to be inspected before covering	16	11	124
no current to be turned on after shut off by city electrician until inspection certificate is issued	16	15	125
no service connection to be made until inspection certificate is issued	16	13	125
wires in interior building not to be connected with street current without written permit from city electrician	16	11	124
work to be inspected during process of construction	16	12	124
no wireless apparatus, etc., to be set up without permit from city electrician	16	14	125
to shut off current in unsafe conductors, etc.	16	15	125
conduits, construction of	16	16,17	126
surface of street not to be disturbed for laying wires, etc., without permit from city council	16	18	127
laying of conduits not to interfere with certain wires and pipes	16	20	127
location of conduits to be changed when necessary for construction or repairing of city pipes	16	21	127
permit to lay conduits to be accompanied by agreement imposing certain conditions	16	23	127
company laying conduits to give bond in certain cases	16	24	127

	CHAP.	SEC.	PAGE
ELECTRIC WIRES, continued			
certain officials to have charge of removing wires to underground	16	25	129
ELECTRICIAN, see City Electrician			
EMERGENCY MEASURE			
manner of passage	—	—	8
EMINENT DOMAIN			
when to be exercised	—	—	12
EMPLOYEES			
to report facts concerning accidents	13	5	107
pay day of	17	5	131
pay rolls to be certified	17	9	133
compensation of	14	1	109
assignment of wages for	10	16	99
wages not to be paid until due	10	16	99
eight hours to constitute a day's work	15	1	113
to have half-holidays	15	1	113
EXCAVATIONS, see Streets			
EXTERIOR WALLS, see Buildings			
defined	5	22	44
FEES			
collected by police officers to be paid city	28	9	184
city clerk to pay fees received to treasurer	7	3	88
city collector to pay fees received to treasurer	17	22	132
for returns of death	6	3	84
sealer of weights and measures to pay to treasurer	49	3	266
for weighing on city scales	21	4	156
for digging graves, payable to treasurer	6	11	87
for license to builders	5	13	39
for license to hackney carriages	19	3	148
for license to hawkers and pedlers	20	2	153
for special permit to hawkers and pedlers	20	7	154
for weighing on city scales, to be paid to treasurer	21	4	156
for license to junk collector	23	1	167
for license to junk dealer	24	1	169
for stands in market	25	3	172
for license to pawnbroker	27	3	177
for license for pool, billiard and bowling alley	29	1	185
for license to public guide	33	3	200
for license to drain layer	37	13	211
FENCE VIEWERS			
election and tenure	10	6	97

	CHAP.	SEC.	PAGE
FENCES			
not to be erected on street line until line fixed	42	7	226
posting of bills on city fences prohibited	42	13	228
FIELD DRIVERS			
election and tenure of office	10	6	97
FINANCE			
bills and accounts against city to be presented to and approved by auditor	17	3	130
bills and accounts to be approved by heads of depts.	17	2	130
bills and accounts, when payable	17	4	131
bills and accounts, when to be presented	17	2	130
bills and accounts to be approved by city auditor	17	3	131
bills in excess of appropriation to be returned by auditor	17	3	131
city auditor's duties in reference to bills and accounts	17	3	131
correct and approved bills to be entered by auditor	17	3	131
monthly pay day	17	4	131
weekly pay day	17	5	131
accounts have to be kept	17	6	131
appropriation exhausted, notice to head of department	17	6	131
monthly statement to be prepared by auditor	17	6	132
notes, bonds, etc., to be signed by certain officials	17	8	132
mayor authorized to draw orders on treasurer	17	9	133
notice for presentment and payment of accounts to be published in December	17	8	133
interest on bonds, etc., to be paid by treasurer	17	13	135
no money to be paid out except on order of mayor except	17	10	134
orders for teacher's salary	17	9	133
orders for military aid	17	9	134
orders for advance money on contracts	17	9	133
orders for settlement of claims on judgments	17	9	134
orders for weekly payment of wages	17	9	133
orders on treasurer, for what purpose, may be drawn by mayor	17	9	133
orders upon treasurer, contents of	17	9	133
no order to be drawn in excess of appropriation	17	10	134
loans, how to be negotiated	17	12	135
accounts by city treasurer, manner of keeping	17	16	135
interest to be paid on deposits of city funds	17	15	135
annual report to be made by city treasurer	17	19	136
if vacancy in office of treasurer, manner of signing checks	17	18	136
annual budget, to be submitted by mayor	17	30	139
budget, forms and contracts of	17	30	139
no liability to be incurred without appropriation, except	17	30	140
transfers of unexpended balances	17	30	140
fiscal year	17	8	133

FIRE DEPARTMENT	CHAP.	SEC.	PAGE
chief, responsible for discipline of members	18	3	141
to have apparatus in good condition	18	3	141
to obtain supplies from purchasing agent	18	3	142
to appoint, remove, etc., members, with approval of mayor	18	3	141
duties of, organization of	18	3	141
appointment of, tenure of	18	2	141
to require permanent members to perform certain work	18	3	142
to certify all bills of department	18	3	142
to make annual report	18	3	142
may require assistance at fires	18	16	145
to establish rules with approval of city council	18	3	142
to keep records of removals and suspensions	18	11	144
may detail captains or lieutenants to position of acting assistant chief	18	5	143
may permit company to leave city	18	14	145
deputy chief, appointment of	18	4	142
duties of	18	4	142
substitutes, selection of	18	6	143
call members, appointments to	18	7	143
requirements for appointment	18	7	143
duties of	18	7	143
may be discharged	18	7	143
call substitutes, appointment of	18	8	143
duties	18	8	144
compensation of	18	8	144
captains, duties of	18	9	144
to report member neglecting duty or for disobedience	18	9	144
member guilty of disorderly conduct, etc., liable to discharge	18	10	144
badges, members to wear	18	12	145
FIRE DEPARTMENT, continued			
gambling prohibited in department buildings, intoxicating liquors not to be kept, etc., in department buildings	18	13	145
no company to leave city, except	18	14	145
compensation of members of fire department	14	1	111
buildings may be demolished to prevent spread of fire	18	15	145
combustible material, removal of	18	17	145
monthly inspection of certain premises	18	18	146
compensation of ill or injured members while disabled	18	19	146
vacations	18	20	147
reimbursement for damage to clothing	18	21	147
compensation payable only for services rendered, except	18	22	147
exits in certain hackney carriages to be satisfactory to chief	19	11	150

	CHAP.	SEC.	PAGE
FIRE DOORS, see Buildings			
defined	5	22	45
FIRE LIMITS, see Buildings			
area of	5	21	42
FIRE STATIONS, see Buildings, also Fire Department			
included within warehouse class in building ordinance	5	22	47
FIRST FLOOR, see Buildings			
defined	5	22	45
FISCAL YEAR			
defined	17	8	133
FISH			
sale of, regulated	22	17	163
license to sell, required of hawkers and pedlers	20	1	153
FISH MARKET, see Market			
rental of lower floor of	25	6	173
FLAGS			
mayor may order flags to be displayed on city buildings	10	14	99
FLATS			
dead animals or offensive matter not to be thrown on	22	15	162
FOUNDATION WALLS, see Buildings			
defined	5	22	45
FOUNTAINS, see Water Department			
placing of rubbish, filth, etc., in, forbidden	42	26	231
FRONT AND REAR DEPTH OF LOT			
defined	5	22	45
FUEL, see Coal; also Purchasing Agent			
FUNDS, see Trust Funds			
FURNACES			
for melting iron or making glass, license required	5	101	75
GAMBLING			
forbidden in streets	42	20	229
forbidden in fire houses	18	13	145
GARAGE			
construction of	5	20	41
GENERAL LAWS			
accepted	—	—	317
GOATS			
not to go at large in streets	42	1	225
GRATINGS			
in streets regulated	42	9	227
GRAVEL			
not to be removed from streets	42	5	225
GREENLAWN CEMETERY, see Burial of the Dead			
GUNS, see Fire Arms			

	CHAP.	SEC.	PAGE
HACKNEY CARRIAGES			
rates of fare established	19	14	151
penalty for violation of ordinance	19	15	152
HALF STORY			
defined	5	22	42
HANDBILLS			
distribution of in street, prohibited	42	15	228
HARBOR			
dead animals and offensive matter not to be thrown in	22	15	162
HARBOR MASTER			
appointment of	52	1	270
to furnish bond	52	1	270
anchoring of vessels	52	2	270
to issue permit to unload lumber	52	3	270
may give directions for rigging vessels	52	4	270
may cause vessels to be moved	52	5	270
refuse not to be thrown in harbor	52	6	271
no line to obstruct channel	52	7	271
failure of vessel to vacate berth	52	8	271
collection of expense of moving vessels	52	8	271
authority to regulate and remove vessels	52	9	271
penalty for violations	52	10	272
liability for violations	52	11	272
copy of ordinance to be issued	52	11	272
HAWKERS AND PEDLERS			
sale of fruits and vegetables from wagons, etc., regulated	20	1	153
badge and number provided	20	4	153
license required	20	1	153
license, term of	20	2	153
license fee of	20	2	153
license, revocation of	20	2	153
name to be recorded with board of control	20	3	153
not to disturb peace	20	5	154
ordinance not to conflict with state license	20	8	154
penalty for misuse of badge	20	4	153
penalty for violation of ordinance	20	9	154
temporary stands, permits for	20	7	154
vehicles to be equipped with number plates	20	6	154
vehicles to be kept clean	20	6	154
HAY SCALES			
election of superintendent of hay scales	21	1	155
duties of superintendent	21	2	155
compensation of superintendent	14	1	109
record of articles weighed to be kept	21	3	155

	CHAP.	SEC.	PAGE
HAY SCALES, continued			
annual report by superintendent	21	5	156
monthly payments of fees collected to be made by superintendent	21	5	156
HEALTH, see Board of Health			
contract for removal of house offal	22	6	158
house offal to be kept in suitable vessels	22	6	158
removal of persons ill of contagious diseases	22	7	159
unfit tenements may be vacated	22	7	159
buildings may be required to be connected with sewer	22	8	159
privy vaults, location of	22	9	159
privy vaults, continuance of, may be prohibited	22	9	159
penalty for failure to connect with sewer	22	8	159
privy not to be connected with sewer, except	22	10	160
dwellings to be furnished with drains, etc.	22	10	160
proceedings where suitable drain is not constructed	22	11	160
privy vaults may be ordered to be cleaned	22	12	161
privy vaults, regulations for construction and keeping of	22	12	161
may require occupants of unfit dwelling to quit	22	14	161
refuse matter not to be thrown into streets	22	15	162
offensive matter not to be thrown into streets, docks, etc.	22	15	162
manner of removing rubbish	22	16	162
damaged hides, fruits, etc., not to be landed without permit	22	19	163
fish, sale of, regulated	22	17	163
impure ice, sale of, prohibited	22	30	166
vaccination	22	21	164
cows not to be kept without permit	22	20	163
ringing of bells may be prohibited	22	22	164
stables to be licensed	22	24	165
swine not to be kept without permit	22	28	165
transportation of house offal, prohibited without permit	22	29	166
penalty for violation of health ordinances	22	31	166
HEARINGS			
if moving of building encumbers railroad track	5	6	37
for location of stationary engine	5	101	75
before closing tomb or burial place	6	6	85
expenses for advertising for hearing to be paid by applicant	1	16	26
HEIGHT			
defined	5	22	45
HISTORICAL LIST OF CITY OFFICIALS	—	—	326
HIGHWAYS, see Streets			
HORSES			
not allowed on sidewalks	43	2	240
not to go at large in streets	42	1	225

	CHAP.	SEC.	PAGE
HORSES, continued			
not to be fastened to lamp posts, poles, etc.	42	2	225
not to be fastened to trees nor stand near enough to gnaw same	38	7	214
HOSE, see Water Department			
use of hand hose may be restricted	48	12	260
HYDRANTS			
construction and repair of	48	6	254
penalty for injury to	48	11	258
covers not to be removed without permit	48	11	258
ICE AND SNOW			
to be removed from bride sidewalks	3	2	31
to be removed from sidewalks in front of fire stations	18	9	144
to be removed from sidewalks	39	6	217
thrown from roofs and yards into streets to be removed immediately	42	10	227
sale of certain ice prohibited	22	30	166
INITIATIVE			
proceedings on petition	—	—	15
INSPECTOR OF ANIMALS			
appointment of	10	8	97
compensation of	14	1	110
duties of	10	8	97
INSPECTOR OF BUILDINGS, see Buildings			
appointment of	34	1	201
tenure of office	34	1	201
appeals from decision of	5	16	40
base of columns to be satisfactory	5	57	61
building damaged more than 50 per cent in the opinion of, not to be rebuilt, except	5	100	75
certain bearing walls to be increased in thickness to the satisfaction of	5	59	62
cellar to be damp proof to the satisfaction of	5	46	56
duties of inspector	5	2	36
duties in regard to the use of streets by builders	5	106	77
floor timbers to be cut only on the approval of	5	86	70
compensation of	14	1	109
to be notified of relocation of furnaces, etc.	5	71	65
may enter public buildings to ascertain if ordinance is being complied with	5	10	38
may require builders to furnish inspectors	5	14	39
no chimneys, boilers or heating apparatus to be installed without notice to	5	68	64

INSPECTOR OF BUILDINGS, continued	CHAP.	SEC.	PAGE
roofs of porches and piazza may be covered with fire resistant material if satisfactory to	5	88	72
to be notified if doorways are cut through party wall	5	55	61
to be notified of test to determine sustaining power of soil	5	42	54
to be notified of location of heating apparatus	5	71	65
to be notified of unsafe chimney, fire or heating apparatus	5	67	64
to be notified when building ready for lathing	5	80	67
to consent to placing of moved building	4	3	34
to consider no plan unless prepared by competent person	5	9	38
to determine strength and stability of proposed structure	5	18	41
to determine where piles shall be cut off	5	44	55
to be notified when test piles will be driven	5	44	55
to examine churches, halls, manufacturing plants	5	10	38
to grant permits for erection, etc., buildings	5	3	37
to inspect unsafe and dangerous buildings	5	2	36
to issue permit in accordance with decision of board of appeal	5	16	40
to notify state inspector if means of egress are not proper in public buildings	5	10	38
to notify city council of proposed erection of buildings within ten feet of street line	5	96	74
to order removal of combustible material and obstructions in passageways of public buildings	5	11	38
to retain one set of drawings and to deliver another stamped set to builder	5	4	37
to submit annual report	5	2	36
to stop work done without permit or at variance with permit	5	7	37
to execute provisions of zoning ordinance	55	13	286
type and location of gas shut-offs to be satisfactory to	5	102	76
consent to removal of buildings required	4	3	34
INSPECTOR OF PLUMBING, see Plumbing			
appointment of	30	2	187
tenure of office	30	2	187
qualifications of	30	2	187
to take civil service examinations before appointment	30	2	187
compensation of	30	2	187
duties of	30	2	187
to inspect all plumbing work	30	2	187
to report all violations of law relating to plumbing	30	2	187
not to be interested directly or indirectly in the business of plumbing	30	2	187
plumbing not to be used until tested in the presence of	30	13	193
air pipes, construction of	30	12	191

INSPECTOR OF PLUMBING, continued	CHAP.	SEC.	PAGE
hot water boilers to be supplied with safety and vacuum valves satisfactory to	30	18	194
no person to engage in without license and registration	30	1	187
appointment of inspector of	30	2	187
duties of inspectors of	30	2	187
compensation of inspectors	30	2	187
board of health may make rules and regulations	30	2	188
board of health to grant permits	30	3	188
sewer disposal	30	4	188
drainage system	30	5	188
material of drainage system	30	6	189
drain, soil, waste and vent pipes, construction of, size and weight of	30	6	189
lead pipe, size and weight, for soil waste and drain-pipes clean-out	30	6	189
fastening of pipes	30	7	190
traps	30	8	190
special traps, to prevent passage of oil into sewer	30	9	191
special traps, to prevent gravel passing into sewer	30	9	191
grease traps, for hotels, restaurants, etc.	30	9	191
stables, garages, etc., drainage of	30	10	191
clean-out, location of, in drains	30	11	191
vents, back-air pipes, etc.	30	12	191
schedule of back pipes and vents for fixtures	30	12	192
testing and inspection	30	13	193
pipes and fixtures not to be covered until approved by inspector	30	13	193
water-closets, number of, determined by board of health	30	14	193
storm and surface water	30	15	193
refrigerator waste and drip pipe	30	16	194
steam exhaust, drips, etc.	30	17	194
hot water boiler to be equipped with safety and vacuum valves	30	18	194
application of ordinance to work already done	30	19	194
penalty for violation of plumbing ordinance	30	20	195
INSPECTOR OF PROVISIONS			
appointment of	10	9	97
tenure of office	10	9	97
duties of	10	9	97
to be member of board of control	25	1	172
JANITOR, see City Hall			
JUNK, OLD METALS AND SECOND-HAND ARTICLES			
collectors of			
to be licensed by city council	23	1	167

	CHAP.	SEC.	PAGE
JUNK, OLD METALS, ETC., continued			
term of license	23	1	167
license fee	23	1	167
contents of license	23	2	167
to wear badges	23	3	167
to have sign on wagon	23	3	167
hours for purchase of junk	23	4	168
no purchases to be made of minors	23	5	168
certain persons exempt from ordinance	23	6	168
penalty for violation of this ordinance	23	7	168
dealers in			
to be licensed by city council	24	1	169
business to be conducted only on premises named in license	24	1	169
term of license	24	1	169
license fee	24	1	169
contents of license	24	2	169
to keep records of articles purchased	24	3	169
shop and articles may be inspecte. by any member of city council	24	4	170
keeper of shop to put up sign	24	5	170
not to sell goods within a week of their receipt	24	6	170
when shops shall be open	24	7	170
no purchases to be made of minors	24	8	170
certain persons exempt from ordinance	24	9	170
penalty for violation of this ordinance	24	10	170
KITE FLYING			
in streets, forbidden	42	15	228
LABORERS			
preference given to citizens of Salem	15	1	113
eight hours to constitute a day's work	15	1	113
half holidays	15	1	113
provision in contracts to cover unpaid claims of	15	10	117
wages payable weekly	14	1	112
compensation of	14	1	112
LANES, see Streets			
LEASES			
record to be kept of	34	3	202
leases of portion of Market House and Fish Market	25	6	173
LICENSE COMMISSIONERS			
compensation of	14	1	111
LICENSES			
power to grant	1	7	24
conditions of	1	10	25
how granted	1	11	25

	CHAP.	SEC.	PAGE
LICENSES, continued			
to be signed and issued by city clerk	1	13	25
builders	5	13	39
drain layers	37	13	211
furnace for melting or making glass	5	101	75
hackney carriages	19	3	148
hawkers and pedlers	20	2	153
junk collectors	23	1	167
junk dealers	24	1	169
to pawnbrokers	27	1	177
pool, billiard and bowling alleys	29	1	185
public guides	33	1	200
stationary engine	5	101	75
speakers, musicians and singers on streets	42	19	229
LIVERY STABLES, see Stables			
LUMBER, MEASURERS OF			
appointment of	53	1	273
compensation of	53	1	273
MARKET AND MARKET HOUSE			
to be under charge of board of control	25	1	172
duties of board of control in reference to market	25	1	172
limit of market defined	25	2	172
board of control to assign stands for carts, etc., for sale of provisions, etc.	25	3	172
permits and fees for stands	25	3	173
no person to sell fruit, etc., in, without permit	25	4	173
holder of permit to have badge	25	5	173
rental of stalls and cellar in market house	25	6	173
tenant to keep premises clean	25	7	174
property to revert to the city upon certain acts of tenant	25	8	174
penalty for violation of ordinance	25	9	174
MARSHAL, see City Marshal			
MAYOR			
board of health, to be appointed by	22	1	157
city council may be addressed by	—	—	8
contracts involving five hundred dollars or more to be approved by	—	—	12
heads of departments to be appointed by	—	—	20
information to be furnished city council by	—	—	8
removal of heads of departments by	—	—	20
salary of	—	—	20
salary established	51	1	269
school committee, to be chairman of	—	—	13
tenure of office	—	—	19
vacancy in office, how filled	—	—	10

MAYOR, continued	CHAP.	SEC.	PAGE
veto, power by			18
to appoint assessors	2	1	27
to appoint superintendent of Congress Street bridge	3	1	31
to appoint assistant superintendent of Congress Street bridge	3	1	31
to appoint members of board of appeal	5	15	40
to appoint city engineer	8	1	90
to appoint city messenger	9	1	93
to be sworn	—	—	6
to have supervision of city messenger	9	2	93
to appoint purchasing agent	10	1	95
to appoint election officers	10	3	96
may appoint secretary	10	5	97
to appoint weighers, measurers, etc.	10	7	97
to appoint constable at Peabody Museum	10	10	98
to appoint constables	10	11	98
may close public buildings	10	14	99
may order flags to be displayed on public buildings, etc.	10	14	99
to appoint city solicitor	12	1	104
to approve settlement of suits against city	12	3	104
may request city solicitor to appear before General Court	12	3	104
to sign contracts	15	4	114
to direct use of municipal standard	54	1	274
to appoint harbor master	52	1	270
to appoint city electrician	16	2	120
to have general supervision of purchasing of electrical apparatus, etc.	16	7	122
to appoint city auditor	17	1	130
to sign warrants for bills listed by auditor	17	3	131
orders on treasurer to be drawn by	17	8	132
to approve appointment, etc., of members of police department	28	3	180
city treasurer, appointment of, by	17	11	134
negotiation of loans by city treasurer, to be approved by	17	12	135
city collector appointed by	17	21	136
to countersign checks if vacancy in office of city treasurer	17	18	136
annual budget to be submitted to city council	17	30	139
to appoint chief of fire department	18	2	141
to approve appointments, removals, etc., of members of fire department	18	3	141
to inspect and approve monthly bills of fire department	18	3	142
fire company may be permitted to leave city, by	18	14	145
to appoint superintendent of hay scales	21	1	155

	CHAP.	SEC.	PAGE
MAYOR, continued			
park commissioners, to be appointed by	26	1	175
city marshal, appointment of, by	28	2	180
harbor master, to be appointed by	52	1	270
board of public welfare to be appointed by	31	1	196
registrar of voters appointed by	10	2	95
superintendent of public property, to be appointed by	34	1	201
planning board, appointment to, by	35	2	203
superintendent of shade trees, to be appointed by	38	1	213
burial agent for soldiers, etc., to be appointed by	40	4	218
caretaker of soldiers', etc., graves, to be appointed by	40	5	219
clerk of military aid, appointment of	40	2	218
to appoint sealer of weights and measures	49	1	266
trustees of Plummer Farm School, appointment by	45	1	246
trust fund commissioners, to be appointed by	46	1	247
trust fund commissioners, to be member of	46	1	247
weighers, measurers, etc., to be appointed by	10	7	97
measurers of lumber, to be appointed by	53	1	273
MEASURERS OF GOODS AND COMMODITIES			
appointment of	10	7	97
MEASURERS OF LUMBER			
appointment of	53	1	273
compensation of	53	1	273
MEASURES, see Weights and Measures			
MEDICAL EXAMINER			
to certify cause of death in certain cases	6	2	83
MEETINGS OF CITY COUNCIL			
regular meetings	50	1	268
special meetings, how called	50	1	268
to be held in city council chamber	50	1	268
records of meetings to be open to public inspection	—	—	7
MEETINGS OF SCHOOL COMMITTEE			
presiding officer	—	—	13
to be public, except	—	—	14
MESSENGER, see City Messenger			
METALS, see Junk			
MILITARY AID, see Clerk of Military State Aid and Soldiers' Relief			
MILITIA			
list of persons liable to enrollment to be made by assessors	2	5	28
MILL CONSTRUCTION, see Buildings			
defined	5	24	47

	CHAP.	SEC.	PAGE
MINORS			
junk dealers, not to purchase articles of	23	5	168
junk collectors not to purchase articles of	24	8	170
pawnbrokers not to receive articles of	27	5	178
MISSILES			
not to be thrown in streets	42	15	228
MOVING OF HEAVY MACHINERY			
permit required of superintendent of streets	4	8	35
MUNICIPAL STANDARD			
material, color, design and size	54	1	274
to be used at direction of the Mayor	54	1	274
use for outdoor display	54	2	274
not to be used for commercial purposes	54	3	274
not to be used except with permission of Mayor	54	3	275
penalty for violation	54	4	275
city messenger to be custodian	54	5	275
MULTIPLE DWELLING			
classified, defined	5	22	44
MUNICIPAL YEAR			
defined	—	—	6
NEGLECTED CHILDREN			
provisions concerning	45	2	246
NEGOTIABLE INSTRUMENTS			
of city, how signed	17	8	132
NUISANCES, see Board of Health; also Streets			
NUMBERING			
of dwelling houses and other buildings	41	3	220
OFFAL			
board of health may contract for removal of	22	6	158
not to be transported in streets without permit	22	29	166
OFFICE HOURS			
assessors	2	16	30
city clerk	7	8	89
city collector	17	29	139
city treasurer	17	20	136
clerk of military aid	40	3	218
sealer of weights and measures	49	5	267
superintendent of streets	44	3	242
OFFICERS, see City Officers			
OIL WAGONS			
to have drip pans	42	12	227
OLD MATERIALS			
sale of	10	1	95
transfer of	15	12	117

	CHAP.	SEC.	PAGE
OLD METALS, see Junk			
ORDINANCES			
extent of liability to penalties under ordinance	1	17	26
general penalty for violations of	1	17	26
passage of	—	—	8,9
amendment and repeal of	—	—	8
emergency measure, nature of	—	—	8
publication of	—	—	9
passage at one session	—	—	8
when takes effect	—	—	18
PARK COMMISSIONERS, see Parks and Playgrounds			
PARK SUPERINTENDENT, see Superintendent of Parks			
PARKS AND PLAYGROUNDS			
appointment of park commissioners	26	1	175
commissioners, tenure of office, removal and vacancies	26	1	175
commissioners not to hold certain other offices	26	1	175
commissioners, powers and duties	26	2	175
to make annual report	26	3	175
to acquire, equip and maintain playgrounds	26	4	175
to employ supervisors and other officials	26	4	175
to appoint superintendent of parks	26	5	176
to fix compensation of superintendent of parks	26	5	176
PARTY WALLS, see Buildings			
defined	5	22	46
PAWNBROKERS			
to be licensed	27	1	177
city clerk to give notice of revocation of license	27	1	177
granting and revocation of license	27	1	177
license fee	27	3	177
license to be signed and recorded by city clerk	27	2	177
term of license	27	1	177
daily report to city marshal	27	5	178
no article to be received from minors	27	5	178
premises and books may be examined	27	6	178
record to be kept of articles left for pawn	27	4	177
restrictions on sales of articles	27	5	178
penalty for violation of ordinance	27	7	178
PEDLERS, see Hawkers and Pedlers			
PENALTIES			
who liable to penalties	1	6	24
general penalty for violation of ordinances	1	17	26
penalties to be paid into city treasury, except	1	8	25
for injuring or defacing Congress Street bridge	3	10	33

PENALTIES, continued	CHAP.	SEC.	PAGE
for violation of ordinance or moving buildings or heavy machinery	4	9	35
for violation of building ordinance	5	109	78
for extinguishing lantern guarding building material in streets	5	107	78
for exhuming a body without permit	6	2	83
for failure of physician to furnish death certificate	6	4	84
for injuring or removing tombstone, etc.	6	8	86
for desecration of burying grounds	6	9	86
for violation of ordinance by common carrier conveying body of person dying of certain diseases	6	7	85
for failure to remove combustible material from premises	18	17	146
hackney carriage ordinance, violation of	19	15	152
hawker and pedler, misuse of badge by	20	4	153
hawkers and pedlers, violation of ordinance	20	9	154
for failure to connect building with sewer	22	8	159
for permitting occupation of dwelling declared unfit	22	14	161
failure to quit unfit dwelling	22	14	161
vaccination, failure to have	22	15	162
for use of unlicensed stable	22	24	165
for violation of public health ordinance	22	31	166
junk collector, violation of ordinance by	23	7	168
junk dealers, violation of ordinance by	24	10	170
market and market house ordinance, for violation of	25	9	174
pawnbrokers, for violation of ordinance	27	7	178
pool, billiard and bowling alley ordinance, for violation of	29	5	186
plumbing ordinance, for violation of	30	20	195
public guides, for violation of ordinance	33	4	200
city seal, for unlawful use of	36	3	205
drains, construction of, without license	37	17	212
sewers, unlawfully cutting into, etc.	37	16	211
digging up of streets to enter sewer, without permit	37	18	212
trees, for affixing signs to	38	4	214
trees, injury to	38	6	214
trees, fastening horses to	38	7	214
sidewalk ordinance, for violation of	39	8	217
sidewalks, failure to remove snow and ice from	39	6	217
sidewalks, for barbed wire fence along	39	7	217
failure to number house as directed by council	41	3	220
bill boards, for certain displays thereon	42	14	228
signs in street, for violation of ordinance	42	25	231
street ordinance, for violation of	42	36	233
street traffic ordinance, violation of	43	5	241
water regulations, for violation of	48	7	255

	CHAP.	SEC.	PAGE
PENALTIES, continued			
letting on water into service pipes without permit	48	7	256
water pipes, alteration of, forbidden without permit	48	7	256
hand hose, for unauthorized use of	48	16	264
official making city contract in which he has a pecuniary interest	—	—	10
harbor master, failure to obey	52	10	272
municipal standard, misuse of	54	4	275
PENSIONS			
city physician to examine applicants	11	4	102
PERMITS			
applicants to pay advertising costs	1	16	26
power to grant	1	7	24
to move buildings in streets	4	1	34
trees and wires not to be cut by building mover without	4	7	35
to move machinery and articles excessive in weight and bulk	4	8	35
for heating, plumbing and electrical work	5	6	37
PERMITS, continued			
to erect, alter or repair buildings	5	3	37
to occupy street for building purposes	5	105	77
to bury or remove body	6	2	83
for erection of poles in streets	16	1	119
for construction of conduits	16	1	119
surface of street not to be disturbed without permit	42	5	225
fire company not to leave city without permit	18	14	145
damaged hides, etc., not to be landed without permit	22	19	163
swine not to be kept without permif	22	27	165
cows not to be kept without permit	22	20	163
stables not to be erected or used without permit	22	24	165
vendors in market to have permit	25	4	173
plumbing, permit required	30	3	188
to enter drain or sewer	37	12	211
awnings over street, permit required	42	21	229
signs overhanging street, permit required	42	23	230
sprinkling of salt on street railway tracks	42	32	232
privy vaults, not to be established without permit	22	9	159
posting of bills on shade trees	38	4	214
PERSON			
to include corporation	1	5	24
PIERS, see Buildings			
PLACARDS			
not to be placed or carried in street unless	42	27	231

PLANS AND SPECIFICATIONS	CHAP.	SEC.	PAGE
two sets to be filed with inspector of buildings	5	4	37
one set to be kept on premises during erection of building	5	5	37
what must be shown on building plans	5	6	37
building to be done in accordance with plan	5	7	37
city clerk to have custody of city plans	7	6	89
sewer plans to be kept in office of city engineer	37	9	209
for laying out, etc., streets	41	9	223
to be furnished purchasing agent when	15	2	113
to location of conduits and poles	16	1	119
plans for erection of school house to be approved by school committee	—	—	14
PLANNING BOARD			
appointment of members	35	2	203
compensation of	35	1	203
duties	35	3	203
not to be member of city council or other officer	35	1	203
term of office	35	2	203
vacancies	35	2	203
city engineer to render assistance	35	4	203
may employ expert assistance	35	4	203
to make annual report	35	5	204
PLUMBING			
no person to engage in, without license and registration	30	1	187
appointment of inspector of	30	2	187
duties of inspector of	30	2	187
compensation of inspector	30	2	187
board of health may make rules and regulations	30	2	188
board of health to grand permits	30	3	188
sewer disposal	30	4	188
drainage system	30	5	188
material of drainage system	30	6	189
drain, soil, waste and vent pipes, construction of, size and weight of	30	6	139
lead pipe, size and weight, for soil, waste and drain pipes cleanout	30	6	189
fastening of pipes	30	7	190
traps	30	8	190
special traps, to prevent passage of oil into sewer	30	9	191
special traps, to prevent gravel passing into sewer	30	9	191
grease traps, for hotels, restaurants, etc.	30	9	191
stables, garages, etc., drainage of	30	10	191
cleanout, location of, in drains	30	11	191
vents, back air pipes, etc.	30	12	191

PLUMBING, continued	CHAP.	SEC.	PAGE
schedule of back air pipes and vents for fixtures	30	12	192
testing and inspection	30	13	193
pipes and fixtures not to be covered, until approved by inspector	30	13	193
water-closets, number of, determined by board of health	30	14	193
storm and surface water	30	15	193
refrigerator waste and drip pipe	30	16	194
steam exhaust, drips, etc.	30	17	194
hot water boiler to be equipped with safety and vacuum valves	30	18	194
application of ordinance to work already done	30	19	194
penalty for violation of plumbing ordinance	30	20	195
PLUMMER FARM SCHOOL OF REFORM FOR BOYS	45	1,2	246
POLES AND WIRES, see City Electrician; also Electric Wires			
POLICE DEPARTMENT			
to report facts concerning accidents	13	4	107
city marshal to keep record of all accidents	13	4	107
city marshal to cause investigation of certain accidents	13	4	107
marshal to aid board of health	22	4	158
compensation of	14	1	111
compensation to be paid only for actual services, except	28	1	180
appointment, removal, etc., of members of	28	2	180
city marshal, with approval of mayor, to appoint, remove, etc., members of	28	2	180
organization of	28	1	180
city marshal			
duties of	28	4	181
to make monthly reports	28	4	181
to make annual report	28	4	181
to keep records of arrests, etc.	28	4	181
to report defects in streets, etc.	28	4	182
members of, to be sworn	28	5	182
members, duties of	28	5	182
city marshal may establish rules	28	5	182
city marshal to have charge of property of police dept.	28	5	182
one day off in every eight days of service	28	6	183
annual vacations	28	6	183
city marshal to prescribe uniforms and badges	28	5	182
badge, belts, etc., to be furnished by city	28	5	182
city benefits to members of	28	7	183
reserve officers			
assignments to duty	28	10	184
duties and powers	28	10	184

	CHAP.	SEC.	PAGE
POLICE DEPARTMENT, continued			
compensation	28	10	184
days off	28	11	184
vacations	28	11	184
city marshal to turn over to city treasurer money collected in behalf of the city	28	9	184
money collected in behalf of city to be delivered to marshal	28	9	184
members not to receive witness, etc., fees	28	9	184
damage to clothes, reimbursement for	28	8	183
street traffic to be under charge of	43	3	241
city marshal to file report of accident with city clerk	13	7	108
POOL, BILLIARD AND BOWLING ALLEY LICENSES			
to close not later than midnight	29	2	185
to close on the Lord's day	29	2	185
licenses for	29	1	185
fee for license	29	1	185
license, term of	29	1	185
view of the interior not to be obstructed	29	3	185
forfeiture of license	29	4	186
penalty for violation of ordinance	29	5	187
POOR DEPARTMENT, see City Home, Clerk of the Poor Department; also Superintendent of City Home; Public Welfare			
board of Public Welfare to have charge of poor department	31	1	196
board of Public Welfare to receive no compensation	31	1	196
duties of superintendent of city home	31	3	196
appointment and compensation of assistants at city home	31	6	197
duties of clerk of poor	31	8	197
city physician to attend poor	11	2	101
POSTING			
of bills, advertisements, etc., on poles, etc., forbidden, unless	42	13	228
to trees, prohibited	38	4	214
indecent, prohibited	42	14	228
POSTS OR POLES, see Electric Wires			
animals not to be fastened to	42	2	225
posting of bills prohibited without consent	42	13	228
not to be placed in street without permit	42	22	230
POUND KEEPERS			
election and tenure of office	10	6	97
PRINTING AND ANNUAL REPORTS, see Reports			
PRIVATE DWELLINGS, see Buildings			
defined	5	22	43
PRIVIES, see Board of Health			

	CHAP.	SEC.	PAGE
PROSECUTIONS			
for violating street ordinance to be made within six months	42	35	233
PUBLIC GUIDES			
badge to be worn	33	2	200
license fee	33	3	200
penalty for violation of ordinance	33	4	200
to be licensed	33	1	200
PUBLIC PROPERTY			
care and supervision of	34	1	201
erection and alteration of city buildings regulated	34	2	201
erection or alteration exceeding two hundred dollars to be advertised	34	2	201
plans of city real estate to be preserved	34	5	202
record to be kept of all city deeds	34	4	202
compensation of employees	14	1	111
employees to be paid weekly	14	1	111
PUBLIC WELFARE, BOARD OF			
appointment of	31	1	196
in charge of poor department	31	1	196
duties	31	1	196
tenure of office	31	1	196
compensation	31	1	196
organization of	31	2	196
records to be kept by	31	2	196
to appoint superintendent of city home	31	3	196
to make rules and regulations for city home	31	4	197
to appoint clerk	31	7	197
to approve bills	31	8	198
to make annual report	31	9	198
PUBLIC WORKS DEPARTMENT			
established	8	1	90
city engineer, head of	8	1	90
PURCHASING AGENT			
appointment of	10	1	95
certain contracts to be based on competition	10	1	95
duties of	10	1	95
sale of certain materials and supplies to be based on competition	10	1	95
to appoint and remove assistants	10	1	95
to preserve bids	15	7	116
tenure of	10	1	95
to keep record of all supplies purchased and price paid	10	1	95
to purchase all supplies for the city	10	1	95
to sell all supplies and materials not needed by the city	10	1	95

PURCHASING AGENT, continued	CHAP.	SEC.	PAGE
to advertise proposals for materials and supplies	15	2	113
to award contracts for materials and supplies	15	2	114
to purchase fuel	15	13	118
to furnish bond	10	18	100
RECORDS			
of meetings of city council open for public inspection	—	—	7
of purchases and prices to be kept by purchasing agent	10	1	95
abatement of taxes by assessors	2	7	28
of deeds, leases, etc., of city	34	4	202
of accidents to be kept by marshal	13	4	107
of arrests and description of prisoners to be kept by marshal	28	4	181
of different method of construction allowed by board of appeal	5	17	41
of death returns by city clerk	6	3	84
of city to be in custody of city clerk	7	6	89
may be copied, arranged and indexed by city clerk	7	7	89
street and sewer plans to be filed and indexed by city engineer	8	2	90
to be kept by city physician	11	5	102
of removals and suspensions in fire department	18	11	144
of things weighed, by superintendent of hay scales	21	3	155
of purchases by junk dealers	24	3	169
by board of control of vendors in market	25	5	173
to be kept by pawnbrokers	27	4	177
to be kept by overseers of poor	31	2	196
to be kept by superintendent of city home	31	5	197
of construction and repair of sewers by superintendent of streets	37	7	207
of edgestones set, to be kept by supt. of streets	39	3	216
of accepted streets, by city clerk	41	2	220
to land owner to remove trees, fences, etc., by city clerk	41	8	222
of his proceedings, by superintendent of streets	44	3	242
of its doings, by commissioners of trust funds	46	2	247
of water takers, etc., by clerk of water department	48	5	254
REGISTRARS OF VOTERS			
appointment of	10	2	95
appointment of assistant registrars	10	2	95
compensation of	14	1	110
duties of	10	2	96
initiative petition signers, to be certified with	—	—	15
may appoint assistant registrars	10	2	95
tenure of assistant registrars	10	2	95
tenure of	10	2	95

	CHAP.	SEC.	PAGE
REPAIRS, see Buildings; also Public Property			
of school houses by school committee	—	—	14
defined	5	22	46
REPEAL			
general, of all ordinances not contained herein	1	2	23
not to affect rights accrued	1	3	23
of ordinance must be by ordinance	—	—	8
REPORTS			
ordinances to be printed with	1	9	25
printing of, regulated	32	1	199
to be printed and bound	32	2	199
to be numbered consecutively	32	3	199
board of appeal	5	17	41
board of health	22	5	158
chief of fire department	18	3	142
city auditor	17	8	132
city collector	17	28	139
city engineer	8	7	92
city marshal	28	4	181
city physician	11	5	102
city solicitor	12	4	105
city treasurer	17	19	136
city weigher	21	5	156
clerk for care of the poor	31	8	198
clerk of water department	48	5	253
superintendent of public property	34	6	202
superintendent of streets	44	3	242
superintendent of water works	48	4	253
edgestones set	39	2	215
overseers of the poor	31	9	198
park commissioner	26	3	175
planning board	35	5	204
sealer of weights and measures	49	2	242
superintendent of Congress Street bridge	3	7	32
care and distribution of city documents by city messenger	9	3	93
trust fund commissioners	46	2	247
REVISED ORDINANCES			
name of this revision	1	1	23
RUBBISH			
not to be thrown into street or water	22	15	162
builder to remove from street	5	105	77
RUDE CONDUCT			
forbidden in streets	42	18	229
RULES AND PROCEDURE OF CITY COUNCIL	—	—	297

	CHAP.	SEC.	PAGE
RULES AND REGULATIONS OF WATER DEPARTMENT	48	7	254
SALARIES, see Compensation			
SALT			
sprinkling on street railway tracks prohibited, unless	42	32	232
not to be deposited in street	42	33	232
SCHOOL COMMITTEE			
initiative petition, action on	—	—	16
to appoint superintendent of schools	—	—	13
janitors, compensation of, and duties determined by	—	—	13
janitors to be appointed by	—	—	13
meetings, manner of voting at	—	—	14
meetings of, to be public, except	—	—	14
membership of	—	—	13
no salaried city official eligible to, except mayor	—	—	13
powers and duties	—	—	13
repair of school buildings by	—	—	14
sites for school buildings to be approved by	—	—	14
plans for construction or alteration of school houses to be approved by	—	—	14
tenure of office	—	—	13
vacancies in, how filled	—	—	14
SCHOOL HOUSES, see School Committee			
SEAL OF CITY			
design of city seal	36	1	205
city clerk to be custodian of	36	2	205
to be affixed to deeds, leases, etc.	36	2	205
penalty for unauthorized use of	36	3	205
SEALER OF WEIGHTS AND MEASURES			
appointment, tenure of office, and removal	49	1	266
duties	49	1	266
compensation	14	1	110
no license to be issued to hawkers, etc., unless weights and measures have been sealed	49	4	266
to account monthly to the city treasurer for all fees received	49	3	266
to make annual report	49	2	266
office hours	49	5	267
to be member of board of control over market and hawkers	25	1	172
See Board of Control; market and market house; also hawkers and pedlers			
SECOND-HAND ARTICLES, see Junk			
SECRETARY TO MAYOR			
appointment of	10	5	97
compensation of	10	5	97
tenure of office	10	5	97

SEWERS	CHAP.	SEC.	PAGE
assessment, how made	37	3	206
persons entering main sewer to be assessed	37	2	206
land may be taken for	37	1	206
method of construction of	37	1	206
to be laid in middle of street	37	1	206
assessments, how determined	37	4	207
assessments on frontage of streets regulated	37	5	207
city clerk to file declaration in registry of deeds when order for construction passed for which assessments may be made	37	6	207
one-fourth of expense to be deducted before making the assessment	37	4	207
assessment for construction may be apportioned by assessors	37	7	208
assessment to constitute lien	37	7	208
city collector to collect assessments for	37	7	208
installments of assessments, when due	37	7	208
manner of payment of assessments	37	7	208
superintendent of streets to keep account of expense and report to city council with schedule of estates and frontage	37	7	207
catch-basins under supervision of superintendent of streets	37	8	208
plans to be made and kept by city engineer	37	9	209
under supervision of superintendent of streets	37	8	208
water, gas and other pipes to be laid so as not to obstruct sewers	37	10	209
no private drain to enter sewer from estate not assessed, except by consent of city council	37	11	209
permit required for entering private drains into sewers	37	11	209
pipes obstructing sewers to be removed	37	10	209
sewer assessment to be paid to city treasurer before permit is issued to enter sewer	37	11	210
construction of common sewers and particular drains	37	12	210
drain layers to be licensed	37	13	211
no opening to be made in main sewer, except	37	12	210
permits to enter sewer may be subject to certain conditions as to payment	37	11	210
drain layers to give bond	37	13	211
penalty for unlawfully cutting, etc., or entering sewer	37	16	211
penalty for constructing drains without a license	37	17	212
subject to tide water, how constructed	37	14	211
supervision of pumping station in supt. of streets	37	15	211
penalty for unlawfully digging up street to enter sewer	37	18	212

	CHAP.	SEC.	PAGE
SHADE TREES			
appointment, powers and duties of superintendent of shade trees	38	1,2	213
employees in shade tree department, compensation of	14	1	111
not to be cut on moving building, except	4	7	35
penalty for affixing notice and signs to trees	38	4	214
penalty for fastening horse to tree	38	7	214
penalty for injury to trees	38	6	214
planting of, by city, in streets	38	3	213
SIDEWALKS			
ash barrels, etc., not to be spilled upon sidewalks	42	29	231
assessments for construction of	39	4	216
barbed wire forbidden by line of sidewalk	39	7	217
city to construct, if owner neglects	39	1	215
construction of permanent sidewalks	39	1	215
deposit to be made with application for sidewalk construction	39	1	215
edgestones, to be set	39	3	216
loitering upon, prohibited	42	3	225
lumber, boxes not to be placed upon	42	28	231
penalty for violation of sidewalk ordinance	39	9	217
placards or show cards not to be carried upon sidewalk	42	27	231
signs not to be painted upon	42	13	228
snow and ice to be removed from	39	5	216
to be constructed to satisfaction of supt. of streets	39	1	215
SIGNS			
to be placed on streets, named	41	1	220
not to be painted upon sidewalk	42	13	228
not to project over streets, unless	42	23	230
size and kind of signs permitted	42	24	230
not to be carried upon streets, unless	42	27	231
penalty for violation of sign ordinance	42	25	231
SLEIGHS AND SLEDS			
bells to be attached to	43	18	236
SNOW, see Ice and Snow			
snowballs not to be thrown in street	42	15	228
SNOW GUARDS			
certain buildings to have	5	94	73
SOLDIERS AND SAILORS			
interment of, dying without means	40	4	218
care of graves of	40	5	219
SOLICITOR, see City Solicitor			
STABLES			
no erection or use without license from board of health	22	24	165
no stable within two hundred feet of church, except	22	25	165

STREET TRAFFIC, continued	CHAP.	SEC.	PAGE
signal for slowing up or stopping	43	1	236
warning to be given by motor vehicles	43	1	236
certain vehicles not to turn on portions of certain streets	43	1	236
position of vehicle backed to curb	43	1	236
slow moving vehicles to keep to extreme right	43	1	236
bells to be attached to sleighs and sleds	43	1	236
certain vehicles exempt	43	1	237
parking on certain streets	43	1	237
to stop at direction of police officer	43	1	237
vehicle to be placed as directed by police officer	43	1	237
not to obstruct street cars	43	1	237
not to stop on crossings	43	1	237
not to stop near hydrants	43	1	237
speed limits for motor vehicles	43	1	237
vehicles not to stop on portions of certain streets	43	1	238
parking spaces	43	1	238
one-way streets	43	1	239
motor trucks excluded from Federal Street	43	1	240
street cars to stop on approaching fire station	43	1	240
street cars to stop for passage of fire apparatus	43	1	240
heavy loaded vehicles to be diverted from portion of Essex Street	43	1	240
vehicle with projecting load to be protected	43	1	240
not to be driven on sidewalks, except	43	2	240
street traffic to be under supervision of police dept.	43	3	241
restricted streets	43	4	241
penalty for violation of traffic ordinance	43	5	241
SUITS			
city solicitor to commence, prosecute and defend	12	3	104
manner of settlement of	12	3	104
annual report of solicitor to show number of suits pending	12	4	105
SUPERINTENDENT OF CITY HOME			
appointment of	31	3	196
compensation of	14	1	109
duties of	31	3	196
tenure of office	31	3	196
to appoint all necessary assistants and attendants	31	6	197
to keep records of	31	3	197
SUPERINTENDENT OF CONGRESS STREET BRIDGE see Congress Street Bridge			
SUPERINTENDENT OF HAY SCALES, see Hay Scales			
SUPERINTENDENT OF PARKS			
appointment of	26	5	176
compensation of	26	5	176
duties of	26	6	176
tenure of office	26	5	176

SUPERINTENDENT OF PUBLIC PROPERTY	CHAP.	SEC.	PAGE
appointment of	34	1	201
compensation of	14	1	109
duties of	34	2	201
tenure of office	34	1	201
to be inspector of buildings	5	2	36
to keep records	34	3	202
to keep record of deeds of city land	34	4	202
to make annual report	34	6	202
to have custody of all plans, etc., of city land	34	5	202
SUPERINTENDENT OF SHADE TREES			
appointment of	38	1	213
compensation	14	1	110
tenure of	38	1	213
to appoint his deputies and assistants	38	1	213
powers and duties	38	2	213
to plant trees in highways	38	3	213
SUPERINTENDENT OF STREETS			
to approve route of moving building	4	3	34
to approve bond of building mover	4	5	35
to grant permits for use of street by builder	5	105	77
appointment of	8	1	90
tenure of	44	1	242
duties of	44	1	242
to transmit list for sprinkling assessment to assessors	8	6	91
compensation of	14	1	110
to keep account of sewer construction	37	7	207
to report cost of construction of sewer and schedule of estates to city council	37	7	208
to repair defects in streets	44	6	243
to have charge of catch basin	37	8	208
to fence unsafe streets or bridges	44	6	244
to notify owners to remove pipes obstructing, etc., sewer	37	10	209
to notify certain companies and abutters when street is to be broken up	44	7	244
to have supervision over sewer and drains	37	8	208
to have charge of city stables	44	5	243
to grant permits for entering sewer	37	11	209
newly constructed streets not to be opened within a year, except	44	7	244
to have charge of collection of ashes	44	4	243
to have supervision of pumping station	37	15	211
to keep streets free and clean of obstructions	44	4	243
street bounds, to be furnished to builders by	42	7	226
streets not to be opened by drain layers between November 1 and April 1	44	7	244
to keep record of edge stones set	39	3	216

	CHAP.	SEC.	PAGE
SUPERINTENDENT OF STREETS, continued			
to keep record of contracts, etc.	44	3	242
to make annual report	44	3	242
to keep record of applications for sidewalk construction	39	1	215
to have charge of streets and sidewalks	44	4	243
to make contracts for labor	44	4	243
edge stones to be set by	39	3	216
excavations in streets, may be permitted by	42	5	225
awnings, etc., certain, to be removed by	42	21	229
office hours of	44	3	242
snow to be removed from street railway tracks to satisfaction of	42	31	232
to be head of sub-division of public works	44	2	242
SUPERINTENDENT OF WATER WORKS			
annual report by	48	4	253
appointment of	48	2	252
appropriation not to be exceeded by	48	6	254
duties and powers of	48	2	252
hand-hose, use of may be restricted by	48	16	264
meters may be installed by	48	15	263
repairs and extensions to be made by	48	6	254
subordinate officers and agents to be appointed by	48	3	252
tenure of	48	2	252
to grant permits to let in water into service pipes	48	7	256
Wenham Lake, aqueducts, etc., in charge of	48	4	252
SWIMMING			
forbidden unless person is properly clothed	42	17	228
SWINE			
not to be kept without a license	22	27,28	165
TAXES			
abatement of, to be certified	2	7	28
assessment and collection of	2	4	28
interest on	2	14	30
interest on tax and bonds, shares	17	26	139
poll taxes, when due and payable	2	10	29
real and personal, when due	2	12	29
summons on real and personal	2	13	29
summons on poll taxes	2	11	29
omitted taxes	2	15	30
bills for taxes to be made out and distributed by city collector	17	26	138
TELEGRAPH AND TELEPHONE POLES			
animals not to be fastened to	42	2	225
posting of bills, etc., prohibited	42	13	228
TENEMENT HOUSE, see Building			
defined	5	22	46
TENURE OF OFFICE, see City Officers			

	CHAP.	SEC.	PAGE
TOWN HALL			
care and heating of	34	2	201
TRUANT AND NEGLECTED CHILDREN			
appointment of trustees of Plummer Farm School	45	1	246
habitual truants, etc., to be confined at Plummer Farm School	45	2	246
powers and duties of trustees	45	1	246
TREES, see Shade Trees			
TRUST FUND COMMISSIONER			
appointment, duties, tenure and compensation of	46	1,2	247
income from Peele Fund, how expended	46	3	247
income from A. A. Lowe Fund, how expended	46	4	248
to make annual report to city council	46	2	247
UNDERGROUND WIRES			
commissioners of	16	25	129
UNDERTAKERS			
to be licensed by board of health	6	1	83
UNLAWFUL GAMES			
forbidden in streets	42	20	229
UNITED STATES			
building ordinance not to apply to buildings owned by	5	19	41
VACCINATION			
by city physician	11	3	101
compensation of city physician for	11	6	102
board of health may require it; penalty	22	21	164
VAULTS, see Board of Health			
VEHICLES, see Street Traffic			
VESSELS			
passing through Congress Street Bridge, regulated	3	4	32
VETO			
manner of exercise by mayor	—	—	18
passage on veto	—	—	18
WAGONS, see Hackney Carriages; also Hawkers and Pedlers			
WARDS			
city divided into six wards	47	1	249
ward one, boundaries of	47	1	249
ward two, boundaries of	47	1	249
ward three, boundaries of	47	1	250
ward four, boundaries of	47	1	250
ward five, boundaries of	47	1	251
ward six, boundaries of	47	1	251
WATER DEPARTMENT			
under care and charge of city engineer	48	1	252
a sub-division of department of public works	48	1	252
appointment of superintendent of water works	48	2	252
superintendent of, powers and duties	48	2	252
appointment of water clerk	48	3	252
duties of water clerk	48	5	253

WATER DEPARTMENT, continued	CHAP.	SEC.	PAGE
clerk to cause inspection of premises of water takers	48	5	253
to make out bills for water and deliver them to city collector	48	5	253
to certify abatements and refunds to city collector	48	5	253
to report monthly to auditor amount of bills delivered to city collector	48	5	253
to make annual report	48	5	253
to keep records of water takers, etc.	48	5	254
repairs and extensions to be made by superintendent	48	6	254
hydrants, stand-pipes and drinking fountains to be constructed by superintendent	48	6	254
regulation, a part of water contract	48	7	254
superintendent may declare forfeited any payment for water for violation of regulations	48	7	255
regulations to be printed on water bills	48	7	254
applications for water, how made	48	7	255
minimum annual charge	48	7	255
water takers to keep pipes, etc., in good repair and protected from frost	48	7	255
waste of water to be prevented	48	7	255
no alterations, etc., to be made in pipes, except	48	7	256
officers and employees may enter premises of water takers	48	7	256
thawing of frozen pipes	48	7	256
plumbers, etc., not to alter pipes without permit	48	7	256
water not to be let into pipe without permit	48	7	256
charges for water to be made to owners of property, except	48	7	256
pipes and fixtures to be kept in good condition by owners or occupants	48	8	257
liability for waste of water	48	8	257
superintendent of water works to decide as to waste or improper use of water	48	9	257
city council may establish regulations for construction of water-closets	48	10	258
no person to injure pipe, fire hydrants, etc.	48	11	258
water in certain pipes, etc., not to be turned on or off without permit	48	11	258
water rates, schedule of, given	48	12	258
fire pipes, no charge for water supplied to	48	13	263
water used by city, no charge for	48	14	263
meters, use of	48	15	263
metered water, bills for	48	15	264
hand-hose, use of, may be restricted	48	16	264
water rates to be assessed by clerk	48	17	264
water receipts to be credited to water department	48	18	264
water rates, when payable	48	18	264

	CHAP.	SEC.	PAGE
WATER DEPARTMENT, continued			
abatements, how made	48	20	265
city marshal to report leaks	48	21	265
WATER RATES			
bills to be made out and delivered to city collector	48	5	253
to be charged to owner of property, except	48	7	256
established	48	12	258
dwelling houses	48	12	258
tenement houses	48	12	259
offices	48	12	259
hotels and boarding houses	48	12	259
stores, shops and other purposes not classified	48	12	259
stables	48	12	260
cattle	48	12	260
use of hose	48	12	260
confectioneries, restaurants, market stall, etc.	48	12	260
public baths	48	12	260
printing offices	48	12	260
stationary steam engines	48	12	261
railroad corporations	48	12	261
steam boats	48	12	261
building purposes	48	12	261
fountains	48	12	261
bakeries	48	12	262
Juniper Point	48	12	262
meter rates	48	12	262
minimum rates for metered water	48	12	263
garages	48	12	263
no charge for insertion of pipes for use only in case of fire	48	13	263
no charge for water used by city in various departments	48	14	263
may be established by city council for metered water	48	15	264
bills for metered water payable quarterly	48	15	264
to be assessed by clerk according to tariff	48	17	264
for purposes not specified in ordinances to be fixed by city council	48	17	264
manner of enforcing payments	48	19	264
abatements, how made	48	20	265
WAY			
defined	1	5	24
WEIGHERS AND MEASURERS			
appointment of	10	7	97
tenure of	10	7	97
WEIGHTS AND MEASURES, see Sealer of Weights and Measures			
WHARVES			
building ordinance not to apply to construction of	5	19	41

	CHAP.	SEC.	PAGE
WIRES, see Electrical Wires			
YARDS			
defined	5	22	47
YEAR			
fiscal	17	8	133
municipal	—	—	6
ZONING			
establishment of districts	55	1	276
single residence districts	55	2	276
general residence districts	55	3	277
apartment house districts	55	4	278
semi-residence districts	55	5	278
business districts	55	6	278
industrial districts	55	7	280
unrestricted districts	55	8	282
non-conforming buildings, structures and uses	55	9	282
public service corporations	55	10	283
district boundaries	55	11	283
definitions	55	12	284
private garage	55	12	284
private stable	55	12	284
group garage	55	12	284
business garage	55	12	285
business stable	55	12	285
public garage	55	12	285
public stable	55	12	285
gasoline filling station	55	12	285
service station	55	12	286
garage repair shop	55	12	286
motor vehicle repair shop	55	12	286
non-conforming building or structure	55	12	286
non-conforming use	55	12	286
building inspector to execute provisions	55	13	286
board of appeal to vary application	55	14	287
repeal or modification	55	15	288
existing ordinances not repealed	55	16	288
invalidity of any section not to affect any other	55	17	288
when to take effect	55	18	289
amendments			
two and one-half story houses occupied by three families	—	—	289
Porter Street Court	—	—	290
Highland Avenue, corner of Danvers Road	—	—	290
State Road, corner of Vinnin Street	—	—	291
Fort Avenue and Derby Street	—	—	291
Leach Street	—	—	292

PEABODY

HIGHLAND PARK

ZONING MAP
1929
DISTRICTS

PUBLISHED BY THE PLANNING BOARD

NAME	USES PERMITTED
Single Residence	Single family houses
General Residence	Single and two family houses
Apartment House	Apartment houses
Semi Residence	Houses with business on first floor only
Business	General business
Industrial	Any unobjectionable manufacturing
Unrestricted	Any kind of manufacturing or use

DECEMBER, 1924
REVISED: MAY 14, 1925
REVISED: AUG. 1 1929

John P. Fox
CONSULTANT

SALEM, MASS.

SCALE 800 FEET TO AN INCH

MARCH 1923

George F. Chatten
City Engineer

SPRING POND
PEABODY
PEABODY RESERVOIR
LYNN
SOUTH ST.
MARLBOROUGH ROAD
HIGHLAND AVE.
ROAD
SWAMPSCOTT
HIGHLAND PARK
BOSTON & MAINE R.R.
MARBLEHEAD
LEGGS HILL ROAD
FOREST RIVER
MT. VERNON ST.
HARMONY GROVE CEMETERY
CATHOLIC CEMETERY
GREENLAWN CEMETERY
LEDGE HILL PARK
GALLOWS HILL PARK
HIGH SCHOOL PROPERTY
CITY STONE CRUSHER
JEFFERSON AVE.
FOREST RIVER PARK
NORTH RIVER
SOUTH RIVER
PALMERS COVE
SALEM COMMON
COLLINS COVE
CAT COVE
WINTER ISLAND
LIGHT
SALEM NECK
WILLOWS PARK
JUNIPER POINT
POOR FARM
ROWELLS FIELD
FORT AVE.
CANAL ST.
CHARLES ST.
LAFAYETTE ST.
BRIDGE ST.
EAST COLLINS ST.
LIBERTY HILL AVE.
KERNWOOD ROAD
ORNE ST.
GROVE ST.
MASON
DERBY
NORTH
HIGHLAND AVE.
GENERAL ST.
ESSEX ST.
BROAD ST.
WASHINGTON ST.
PROSPECT ST.
DANIELS ST.
LOCUST ST.
HAZEL ST.
WEBSTER ST.
FRANKLIN ST.
CENTRAL ST.
FOWLER ST.
PEARSON ST.
BOSTON ST.
LOWELL AVE.
LOCUST AVE.
ELM AVE.
MAPLE AVE.
LORING AVE.
VERNON SQUARE
PICKERING ROAD
MOFFATT ROAD
STANTON ROAD
CLEVELAND RD.
LINCOLN RD.
WASHINGTON RD.
HOWARD RD.
ADAMS ROAD
MARBLEHEAD BRANCH R.R.
Future Industrial District
General Residence District

WALKER LITH. & PUB. CO. BOSTON